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DRAFT

# National Off-Highway Vehicle Management Strategy

U.S. Department of the Interior
Bureau of Land Management

**December 2000**

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The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principals of multiple use and sustained yield; a combination of uses that take into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific, and cultural values.

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**U.S. Department of the Interior**
**Bureau of Land Management**
**Washington, DC**

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Attached for your review and comment is the draft National Off-Highway Vehicle (OHV) Management Strategy. The strategy offers guidance and recommendations to help BLM field offices create a framework for reviewing and resolving local OHV-related issues. It will also help BLM field managers implement on-the-ground solutions to OHV issues, protect public land resources, and make more effective use of existing staff and funding.

Proper management of public lands is vital for the natural ecosystems that they support and for the activities and resources they provide. The use of off-highway vehicles (OHVs) on BLM-administered public lands has increased substantially in recent years, and there has been increasing concern about the impact of all types of recreational activities, including OHV use, on the 264 million acres of public land resources. The management challenges posed by OHV use in the fast-growing West have become very apparent, especially since the BLM's land-use plans, budgets, and staffing levels have not kept pace with OHV technology and popularity. These factors, along with litigation over OHV management issues, have created the need for a National OHV Management Strategy.

In August, 2000, the BLM asked the public for ideas and proposed solutions for improving management of the OHV program. The BLM received thousands of comments and suggestions during this scoping period and has drawn on these, as well as suggestions from state and local governments, the BLM's Resource Advisory Councils (RACs), and BLM employees, to develop this Strategy. The comments and suggestions focused on several key areas and were found to provide many points where consensus and common ground existed. These comments will continue to help the BLM find solutions to OHV management issues.

We are again requesting your participation by reviewing this document and by providing substantive comments to us. All comments will be fully evaluated and considered for development of the final National Off-Highway Management Strategy.

Because of the immense interest the public has shown in the OHV management on BLM-administered public lands, we are requesting that your comments specifically relate to this document. The attached form will facilitate compilation and review of the comments submitted; however, you are not required to use the form. All comments received during the comment period will be accepted. (The strategy and an electronic comment form are also available on the internet at www.blm.gov.)

Comments, including names and street addresses of respondents will be available for public review at the Bureau of Land Management, Equity Building, Room 204, 1620 L Street NW, Washington, DC from 8:30 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. *If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments.* Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

We would like to take this opportunity to express our appreciation for your continued interest in the management of your public lands and for your participation in this planning process.

The Bureau of Land Management

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NEWS

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## BLM Publishes Draft National Off-Highway Vehicle Strategy, Opens 30-Day Public Comment Period

The Bureau of Land Management today released a Draft National Off-Highway Vehicle Management Strategy that is intended to promote environmentally sound Off-Highway Vehicle (OHV) use on BLM-managed public lands. The Draft Strategy, which reflects extensive public input, is now available for a 30-day public comment period that begins today and runs until January 3, 2001.

"This Draft Strategy is aimed at recognizing the interests of OHV users while protecting environmentally sensitive areas on the public lands," said Henri Bisson, the BLM's Assistant Director for Renewable Resources and Planning. "It also seeks to focus the agency's scarce funding and staffing resources on OHV management rather than on OHV-related litigation."

Bisson added, "The BLM was very encouraged by the public's participation and input at the 49 OHV 'listening' meetings that we held this past summer. In addition, the public submitted nearly 5,000 written comments that 10 BLM specialists have been categorizing and analyzing since September. These comments have guided our agency in writing this Draft Strategy."

The Draft Strategy offers management guidance and recommends numerous actions aimed at creating a local framework for reviewing and resolving OHV-related issues. These issues include current OHV designations; signs, maps, and other public information; existing OHV regulations; route inventory needs; OHV impacts on resources; road and trail design, maintenance, and restoration; management of Wilderness Study Areas; monitoring; education (both public outreach and staff training); law enforcement; and the BLM's budgetary needs.

The Draft Strategy recognizes, consistent with the BLM's existing policy, that Off-Road or Off-Highway Vehicle use is a legitimate activity on public lands wherever compatible with the Bureau's resource management objectives and when in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976. The Draft Strategy notes that under FLPMA, the BLM is required to manage the public lands in a way that accommodates multiple uses while protecting public land resources. "The BLM believes that this Strategy can provide guidance to promote the balance between these sometimes competing principles," the 64-page document says.

The Draft Strategy says that, if fully implemented, it can promote consistency of OHV decisionmaking and management within the agency; highlight the additional funding and staffing needed by the BLM to manage OHV use effectively; lead to an updating of existing OHV regulations and policy guidance; clarify for BLM land managers their legal authorities in managing OHV use; reduce conflicts among public land user groups; promote responsible OHV use and reduce habitat degradation; and provide an opportunity for long-term involvement by the public in OHV management on public lands.

Any member of the public who submitted comments or signed in at an OHV "listening" meeting will receive by mail a copy of the Draft Strategy early this month. In addition, the BLM has posted the Draft Strategy on its Internet Home Page (http://www.blm.gov); paper copies of the document will be available from the Bureau's State Offices and its Washington, D.C., Office by December 8. Comments on the Draft Strategy should be submitted in writing by regular or electronic mail. The mailing address is: BLM OHV Strategy, U.S. Department of the Interior, Bureau of Land

Management, 1849 C Street, N.W., Washington, D.C. 20240. Comments may be sent electronically by clicking on the OHV Strategy link on the BLM's Home Page (http://www.blm.gov) or by sending e-mail comments to a BLM electronic address (ohv_comment_manager@blm.gov).

After the conclusion of the 30-day public comment period, the Bureau plans to review all comments and to issue its final National OHV Management Strategy on the Internet on January 19, 2001. Printed copies will be mailed out on January 26.

The BLM, an agency of the U.S. Department of the Interior, manages more land – 264 million surface acres – than any other Federal agency. Most of this public land is located in 12 Western States, including Alaska. The Bureau, with a budget of about $1.8 billion and a workforce of some 9,000 full-time, permanent employees, also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM preserves open space by managing the public lands for multiple uses, including outdoor recreation, livestock grazing, and mining, and by conserving natural, historical, cultural, and other resources found on the public lands.

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# DRAFT

# NATIONAL

# OFF-HIGHWAY VEHICLE

# MANAGEMENT STRATEGY

Prepared by the:
U.S. Department of the Interior
Bureau of Land Management
Washington, DC

**DECEMBER 2000**

# CONTENTS


NEED FOR AND PURPOSE OF THE STRATEGY ..... 1
BACKGROUND ..... 2
REVIEW OF CURRENT ORV (OHV) DESIGNATION PROCESS ..... 2
SCOPE OF THE STRATEGY ..... 4
The Strategy ..... 4
What it *Is*, What it *Is Not* ..... 4
What it *Can do* and *Cannot* do ..... 5
PUBLIC PARTICIPATION ..... 5
PUBLIC COMMENTS REQUIRING CLARIFICATION ..... 6
STRATEGY MANAGEMENT GOALS AND ACTION ITEMS ..... 7
OVERVIEW ..... 7
ISSUES ..... 8
1. Internal and External Coordination ..... 8
2. Easements and Acquisitions ..... 9
3. Education (Public Outreach) ..... 9
4. Education (Staff Training) ..... 10
5. Environmental Considerations ..... 10
6. Fees and Funding ..... 12
7. Inventory, Planning, and Monitoring ..... 13
8. Law Enforcement (Penalties and Fines) ..... 14
9. Law Enforcement (Workforce) ..... 15
10. Permits, Licenses, and Registration ..... 15
11. Regulatory and Program Management (43 CFR 8340) ..... 16
12. Regulatory and Program Management (BLM Regulations and ANILCA) ..... 17
13. Regulatory and Program Management (Personal Watercraft and Snowmobiles) ..... 17
14. Road and Trail Design, Maintenance, and Restoration ..... 17
15. Signs, Maps, and Other Public Information ..... 18
16. Wilderness Study Areas (General) ..... 19
17. Wilderness Study Areas (Interim Management Policy) ..... 19
18. Wilderness Study Areas (Monitoring and Surveillance) ..... 20


# APPENDIXES


APPENDIX 1: EXCERPTS FROM E.O. 11644...11989 ..... 21
APPENDIX 2: EXCERPTS FROM THE CODE OF FEDERAL REGULATIONS ..... 27
APPENDIX 3: SUMMARY OF PUBLIC COMMENTS ..... 33
COMMENT SUMMARY ..... 35
ACCESS/ACQUISITIONS/EASEMENTS ..... 35
Access ..... 35
Easements ..... 35
Purchase Land ..... 35
Land Sale ..... 35
EDUCATION ..... 35
Education General ..... 35
Management & Personnel ..... 36
Outreach Educational Efforts ..... 36
Educational Materials or Courses ..... 36
Education Partnerships ..... 36

# CONTENTS (Continued)


APPENDIX 3: SUMMARY OF PUBLIC COMMENTS (Continued)
ENGINEERING ..... 37
Route and Trail Design ..... 37
Maintenance ..... 38
ENVIRONMENTAL CONSIDERATIONS ..... 38
Environmental Considerations (General) ..... 38
Environmental Issues ..... 39
Resource Protection ..... 39
Noise Impacts ..... 40
Closures for Resource Protection/Safety ..... 40
Planning/Decision Making ..... 40
NEPA and FLPMA ..... 40
FEES AND FUNDING ..... 40
Fees ..... 40
Use of Fees ..... 40
Amount of Fee ..... 41
Fee Waiver/Reduction ..... 41
General Fee Comments ..... 41
Funding ..... 41
Use of Funds ..... 41
Sources of Funding ..... 41
GENERAL DISCUSSIONS ..... 41
Access ..... 42
General Open ..... 42
General Closure ..... 42
Specific Vehicle Access or Restriction ..... 42
Limit use for Resource Protection ..... 43
Closures for Resource Protection/ Safety ..... 43
Designated Areas ..... 43
Zones ..... 44
GENERAL STRATEGY ..... 44
Management Approaches ..... 44
Other Agency Approaches ..... 45
Comment Period ..... 45
No Net Trail Loss ..... 45
Trail Experiences ..... 46
Access Policies ..... 46
Pressure ..... 46
Specific Strategies ..... 46
INVENTORY AND MONITORING ..... 47
What to Inventory ..... 47
Method of Inventory ..... 47
Plans ..... 47
Monitoring ..... 47
LAW ENFORCEMENT ..... 47
Increase Law Enforcement ..... 48
Penalties and Fines ..... 48
Consider Modifying Existing Laws ..... 48
Method of Patrol ..... 48

# CONTENTS (Continued)


PUBLIC PARTICIPATION ..... 48
Ways of Entering into Partnerships ..... 49
Ways to Encourage Partnerships ..... 49
Use of Partnerships ..... 49
Maintenance ..... 49
Enforcement ..... 49
Education ..... 49
Resource Protection ..... 49
Programs ..... 49
Potential Partners ..... 50
Coordination with Other Agencies ..... 50
Ways of Receiving Feedback/Input ..... 50
Traditional Tools ..... 50
Web Pages ..... 50
Ways of Providing Information ..... 50
Management Tool ..... 51
PROGRAM MANAGEMENT ..... 51
Definitions ..... 51
RS 2477 and Executive Orders ..... 51
American Indian and Alaska Natives ..... 51
Private Lands ..... 51
PERMITS, LICENSING, AND REGISTRATION ..... 51
When a Permit is Required ..... 52
Duration of Permit ..... 52
Education ..... 52
Registration/License Fees ..... 52
Vehicle Inspection, Restrictions or Design ..... 52
Fees ..... 52
Age Limit ..... 52
Insurance ..... 52
Law Enforcement ..... 53
Coordination with Agencies ..... 53
Operation of System ..... 53
SIGNS, MAPS, AND BROCHURES ..... 53
Signs ..... 53
Maps and Information ..... 53
SPECIAL AREA DESIGNATIONS ..... 54
OTHER COMMENTS ..... 54
Access for Senior Citizens or Disabled ..... 54
Game Retrieval ..... 54
Vehicles ..... 54
User Group Interactions ..... 54
Economics ..... 55
Miscellaneous ..... 55
APPENDIX 4: EXCERPTS FROM THE WSA INTERIM MANAGEMENT POLICY ..... 55

ABBREVIATIONS ..... Inside Back Cover

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# DRAFT
# NATIONAL OFF-HIGHWAY VEHICLE MANAGEMENT STRATEGY

## NEED FOR AND PURPOSE OF THE STRATEGY

The use of off-highway vehicles (OHVs) on public lands administered by the Bureau of Land Management (BLM) has increased substantially in recent years. A myriad of factors has contributed to the growing popularity and impact of OHVs on public lands:

- greater public interest in unconfined, outdoor recreational opportunities;
- rising disposable income, fostered by a healthy domestic economy, for use on recreational pursuits;
- advances in vehicle technology that enable OHV users to reach previously inaccessible areas;
- the rapid growth of the West's cities and suburbs, whose expansion and population growth has brought Westerners closer to once-remote public lands, and;
- a population with an increasing median age with changing outdoor recreational interests.

The BLM has become increasingly concerned about the impact of all types of recreational activities, including OHV use, on the 264 million acres of public land resources over which it provides stewardship. Discussions with other federal agencies, state agencies, county governments, the general public, and the BLM staff have identified OHV use as a national management issue. The BLM Director has noted the management challenges posed by OHV use in the fast-growing West, especially since the BLM's land use plans, budgets, and staffing levels have not kept pace with OHV technology and popularity. These factors, along with litigation over OHV management issues, have created the need for a National OHV Management Strategy.

The purpose of this strategy is to help the BLM field managers implement on-the-ground solutions to OHV issues, protect public land resources, and make more effective use of existing staff and funding.

This National OHV Management Strategy addresses proposals from the general public expressed during "Listening Meetings" and in written and electronic comments. This strategy also includes suggestions from state and local governments, the BLM's Resource Advisory Councils (RACs), and BLM specialists. Comments focused on several key areas and were found to provide many points where common ground existed. The strategy offers guidance and recommends numerous actions aimed at creating a local framework for reviewing and resolving OHV-related issues. These issues include current OHV designations, regulations, resource issues, management of special areas and resources, monitoring, education, law enforcement, and budget.

This strategy recognizes, as does the policy outlined in BLM Manual 8340 (May 25, 1982), that "Off-Road Vehicle" (called off-highway vehicle [OHV] in this document) use is a legitimate activity on public lands wherever compatible with the BLM's resource management objectives and when in compliance with the Federal Land Policy and Management Act of 1976 (FLPMA). As established by FLPMA, the BLM is required to

manage the public lands on the basis of multiple use and sustained yield, while protecting natural values. The BLM believes that implementing the actions in this strategy will help promote balance between these, sometimes competing, principles.

This National OHV Management Strategy also seeks to improve the BLM's management of all types of vehicles that use the public lands. In developing this strategy, the BLM has drawn on the thousands of comments and suggestions it received during the public comment period. These comments will continue to help the BLM in finding solutions to OHV management issues. It should be noted that in soliciting public input, the BLM expressed a desire to compile a "toolbox" of OHV management success stories and techniques. However, because of the large number of comments submitted, the BLM was not able, in the time available, to extract all the ideas that seem to warrant inclusion in a "toolbox." The BLM has made completion of the "toolbox," in this document called the "OHV Management Field Guide," an action item for implementing this strategy.

## BACKGROUND

On January 10, 2000, the Bureau of Land Management announced that it would develop a national strategy for insuring environmentally responsible Off-Highway Vehicle (OHV) use on BLM-administered public lands. The BLM committed to working in partnership with all interested parties and the general public in developing a strategy aimed at resolving issues prompted by the growing popularity of OHV use on public lands. This popularity is evidenced by the fact that recreational enthusiasts are buying OHVs at a rate of 1,500 units per day nationwide, with nearly one-third of them doing so as first-time buyers of such vehicles. Off-highway vehicle use is now firmly established as a major recreational activity on BLM-administered public lands. At the same time, this OHV activity and its related impacts are now the subject of considerable public scrutiny and discussion.

The BLM manages OHV use under Executive Order 11644 (as amended by Executive Order 11989), which the President issued in 1972, when there were an estimated 5 million OHVs. (Appendix 1, "Excerpts from Executive Order 11644...") Since then, OHV use on public lands has risen dramatically, prompting concern over the nature and scale of impacts from all types of OHV recreation activities. This OHV use occurs on lands designated by the BLM as both "open" and "limited" to OHV use. These designations are based on land use plans dating from the 1970s and 1980s, when OHV use was limited. Many of these land use plans do not adequately address today's OHV issues. In addition, the BLM's budget-related resources (including the number of recreation specialists and law enforcement personnel) have not kept pace with recreational and other uses of public lands in recent years.

For many years the term "off-highway vehicle" (OHV) has been used by the public, industry, and the BLM interchangeably with the term "off-road vehicle" (ORV). However, only the term off-road vehicle has a legally established definition in the Presidential Executive Orders and the BLM's related 43 CFR 8340 regulations. (See Appendix 2, "Excerpts from the Code of Federal Regulations...") In general, throughout this document, we will refer to OHV, except when discussing issues related to policy or regulation or land use planning.

## REVIEW OF CURRENT ORV (OHV) DESIGNATION PROCESS

In 1972, the President issued Executive Order No. 11644, requiring each federal agency to designate "areas and trails" for off-road vehicle use or restriction and to develop regulations implementing this Executive Order. The BLM's off-road regulations (43 CFR 8340) established management areas as either "open," "limited," or "closed" to off-road vehicle use. (The Executive Order and regulations refer to ORVs rather than off-highway vehicles, so the term ORV will be used in this section of the strategy.) Proper

ORV management provides for the public's recreational needs, protects resources, insures the safety of public, and minimizes conflicts among the various public land users. The BLM 's ORV designations are:

**Open:** *The BLM designates areas as "open" for intensive ORV use where there are no compelling resource protection needs, user conflicts, or public safety issues to warrant limiting cross-country travel.*

**Limited**: *The agency designates areas as "limited" where it must restrict ORV use in order to meet specific resource management objectives. These limitations may include: restricting the number or types of vehicles; limiting the time or season of use; permitted or licensed use only; limiting use to existing roads and trails; and limiting use to designated roads and trails. The BLM may place other limitations, as necessary, to protect resources, particularly in areas that OHV enthusiasts use intensely or where they participate in competitive events.*

**Closed**: *The BLM designates areas or trails as "closed" if closure to all vehicular use is necessary to protect resources, insure visitor safety, or reduce use conflicts.*

These designations are incorporated in the BLM's 8340 Manual (issued May 25, 1982) which provides land managers with general guidance in managing ORVs on public lands. The manual also guides managers in issuing emergency limitations, interim designations, or closures. Land managers are required to take action where they have determined ORV use is causing, or may cause, considerable adverse effects on resources. Emergency limitations or closures are not ORV designations, but remain in effect until the adverse effects are eliminated, or measures are in place to prevent their recurrence, or revised ORV designations are adopted.

The BLM completes ORV designations as part of its land-use planning process. In developing land-use plans the BLM takes the following actions relating to ORV use on public lands.

- Defines the nature and extent of problems or opportunities relating to ORV use.
- Develops planning criteria that deal with resource protection, user needs, public safety, and user conflict resolution.
- Compiles data needed to determine requirements for resource protection, user needs, public safety, and user conflict resolution.
- Collects new road and trail network data if existing baseline data are insufficient to resolve significant ORV issues.
- Analyzes the capability of public land resources to sustain ORV use.
- Develops proposed ORV designations and includes various alternatives in the draft environmental impact statement (EIS) and draft resource management plan (RMP).
- Addresses ORV designations, use, and subsequent impacts as part of the draft EIS and draft RMP.
- Decides on the resource allocation for ORV use that best meets the purpose and need for the RMP and best resolves the planning issues through completion of the final EIS and RMP.
- Applies legal requirements of laws such as R.S. 2477 rights-of-way, valid existing rights, the Alaska National Interest Lands Conservation Act, the Threatened and Endangered Species Act, and the Wilderness Act.

To implement ORV land-use plan decisions, the BLM prepares maps of the designations for public use; appropriately signs roads, trails, and limited-use areas; and informs the public through publications in the *Federal Register* and local media.

## SCOPE OF THE STRATEGY

This strategy is intended to address a broad range of OHV activities–both motorized and nonmotorized. The types of equipment used for "off-road" or "off-highway" recreational purposes on the public lands consist of both motorized and mechanized/human-powered vehicles, conveyances, or devices. The motorized category includes cars, trucks, sport utility vehicles (SUVs), all-terrain vehicles (ATVs), dune buggies, motorcycles, snowmobiles, personal watercraft, motorboats, ultralights and emerging technologies. The mechanized/human-powered conveyance category includes mountain bikes, land sailing yachts, roller blades, and emerging technologies. Since the BLM started managing OHV activities, new technology and recreational equipment specifically designed for both motorized and mechanized OHV use have been introduced.

The strategy is designed to accomplish five primary things:

1. Identify actions that can be taken at the national level to identify, review, and clarify policy, and if needed, to work toward revising regulations.

2. Provide guidance to the BLM state and field offices regarding existing regulatory authorities and requirements.

3. Improve the coordination with and communication between the BLM's national and field-level offices relating to OHV management.

4. Recommend an increase in key staff at the BLM's state and local levels in order to improve overall OHV management, and provide a link between the offices to strengthen the process of identifying other staff and funds shortages.

5. Use the experiences of the BLM staff and the publics concerns, comments, and willingness to participate in management activities expressed during the development of this National OHV Management Strategy.

## The Strategy

Because the public requested actions that are outside the scope of this strategy, the following is a summary of what the strategy *is* and *is not*, and what it *can* and *cannot* do.

### What it *Is*, What it *Is Not*

This strategy ***is***:

- an effort to manage OHVs activities in full compliance with Executive Orders 11644 (1972) and 11989 (1978), 43 CFR 8340, policy, and manual guidance which direct the BLM's management of OHVs;

- a "catch up" initiative aimed at meeting the challenges of the fast-growing West, where many new OHV users are requiring access to the public lands;

- an approach that reflects extensive public input, offers flexibility (meaning it can, and will, change over time as resource issues emerge and user conflicts arise), and seeks to promote local solutions to local problems; and

- an effort to enhance the management and protection of all public lands administered by the BLM that are part of specially designated areas (that is, designated wilderness, national monuments, national conservation areas, and wild and scenic rivers), and within temporary protective designations, such as Wilderness Study Areas.

This strategy ***is not***:

- a new set of regulations (although the strategy *does* call for a review of existing regulation in ORV, 43 CFR 8340);

- a national OHV designation (this strategy–while recommending additional protection for specially designated areas and WSAs–does not impose any "top down" or "one-size-fits-all" designations);

- an initiative that closes any roads or authorizes the construction of any roads

(these decisions will continue to be made locally within the BLM's land-use planning process);

- a forum for discussing the appropriateness of designating or not designating National Monuments, National Conservation Areas, and Wilderness Areas (inasmuch as these designations fall strictly within the purview of the President and Congress);
- an effort in any way related to, or dependent on, the current management actions of any other federal or state agency.

### What It *Can do* and *Cannot do*

If fully implemented, this Strategy ***can***:

- promote consistency of OHV decision making and management within the BLM by clarifying guidance and promoting understanding of OHV management goals;
- highlight the additional funding and staffing needed by the BLM to manage OHV use effectively;
- lead to updating existing off-road regulations and policy guidance while raising public awareness about the complexities of implementing and enforcing OHV designations;
- clarify the BLM land manager's legal authorities for managing OHV uses;
- reduce conflicts among user groups;
- promote responsible OHV use and reduce habitat degradation; and
- provide an opportunity for long-term involvement of the public in OHV management on public lands.

However, this strategy ***cannot***:

- directly revise existing OHV regulations (which can occur only in the formal rulemaking process, with full public participation);
- change any legislation or Executive Orders;
- provide the additional funds and staffing needed for effective OHV management; or
- increase any fines or penalties for violations of OHV rules and regulations (which the BLM can do only through coordination with the U.S. District Courts, subject to applicable law).

## PUBLIC PARTICIPATION

On June 1, 2000, the Bureau of Land Management initiated a major outreach effort to solicit public comments on how best to develop a National OHV Management Strategy. The public was invited to provide recommendations and solutions to enable the BLM to better manage OHV activities. A multimedia approach using public meetings, the internet, electronic mail, brochures, and mailers was used to encourage widespread public participation in the process. The goal was to insure the active participation of the public and, based on the public comment, to draft clear and concise guidance for the BLM offices in the day-to-day management of OHV activities.

To facilitate the process, a mailer was developed which outlined four areas and provided examples of currently recognized issues associated with the OHV program. These areas included (1) land use concerns, (2) resource concerns, (3) management tools, and (4) legal considerations. In addition, the public was invited to participate in locally held discussions at 49 "Listening Meetings." In response to this outreach program, the BLM received 2,627 e-mails, 877 returned mailers, and 1,400 letters. All the comments were categorized and served as the basis for developing the National OHV Management Strategy. Appendix 3 of this document contains a synopsis of those comments.

## PUBLIC COMMENTS REQUIRING CLARIFICATION

The BLM received many comments and recommendations that were outside the scope of this strategy. Some public comments suggested that the BLM impose identical OHV restrictions on all BLM-administered lands and waters. Other suggestions used terms or called for requirements that are inconsistent with federal law and BLM regulations, policies, and procedures. Below are key items requiring clarification:

- **Public Suggestion: "Close all Wilderness Study Areas (WSAs) and roadless areas to OHV use"**

  The BLM used "roadless" as a criterion during its wilderness inventory process in accordance with FLPMA. As part of this process, BLM designated some roadless land (exceeding 5,000 acres) as Wilderness Study Areas. However, the BLM carries out no "roadless area" management apart from designated WSAs. Therefore, the BLM does not use the term "roadless area" as a land use classification or as a specific designation and cannot implement this suggestion as an across-the-board designation.

  Where the public believes that limits on OHV use are needed to protect public lands, the BLM can take action under existing land-use planning or the OHV designation process to limit or restrict OHV use. These decisions can be: **site-specific**–limiting use to specific roads and trails; **seasonal**–limiting use to certain times of the year; or **other**–by type of vehicle, number of participants or other particulars. To protect areas where resources are at risk, the BLM can designate areas or roads, trails or ways as closed to OHV use.

- **Public Suggestion: "Open all designated Wilderness Areas, National Monuments, and Wilderness Study Areas to OHV use"**

  This suggestion is contrary to federal laws, Presidential Proclamations, and Executive Orders. The Wilderness Act of 1964 prohibits the use of motorized and mechanized vehicles in designated Wilderness Areas, subject to valid existing rights. National Monument proclamations or legislation may direct specific types of OHV use or designations. The BLM must comply with this direction and modify its relevant land use plans accordingly.

  The Federal Land Policy and Management Act of 1976 requires the BLM to manage WSAs in a manner that protects their wilderness characteristics until Congress either designates these WSAs as permanent wilderness or releases them for nonwilderness uses. This WSA protection requirement is reflected in the BLM's Interim Management Policy (IMP) for Land Under Wilderness Review. (See Appendix 4 "Excerpts from the BLM's Interim Management Policy for Lands Under Wilderness Review.")

- **Public Suggestion: "*Close* all BLM lands, including roads, to OHV use unless posted as *open* to use"**

  As noted in the "Review of Current Off-Road (Off-Highway) Designation Process" section, the BLM must designate public lands as "open," "limited," or "closed" to OHV. The BLM does not have the legal authority to create a default national designation to an "open unless..." or "closed unless..." policy. The BLM manages more than half of all public lands under a limited or closed designation. Under its land use planning process, which includes public participation, the BLM has designated most of the remaining lands as open. To impose a nationwide closure of all lands

would be a rejection of the past public involvement in the existing designations. Moreover, such an action would be contrary to the BLM's intention and the public's request for locally developed OHV management plans and solutions. In light of current OHV use and resulting resource conditions, the BLM realizes that it must reevaluate its land use plans. To begin to address this need, the BLM requested and received a $19 million increase in fiscal year (FY) 2001 for land use planning and plan revisions, much of which relates directly to OHV issues and concerns.

- **Public Suggestion: "*Open* all BLM lands, including roads, to OHV use unless posted as *closed* to use."**

  As noted above, the BLM does not have the legal authority to implement this suggestion. Opening all lands to unrestricted OHV use would negate the public involvement in the current limited and closed designations which exist on more than half of the BLM-administered public lands. Opening all these public lands to OHV use would subject them to potentially serious resource damage.

- **Public Suggestion: The BLM should establish a registration, licensing, or new identification permit system for OHV riders or vehicles.**

  Such a system would constitute a significant departure from existing federal policy, which defers such regulatory matters to state and local agencies. There are actually three distinct items involved in this suggestion: permits, licenses, and registration.

  **Permits**, which fall within the BLM's existing authority, are authorizations to use the public lands in a certain manner. In certain situations, the BLM does issue permits to individuals and organizations, who must generally pay a fee.

  **Licenses** are instruments issued to individuals that grant them the privilege of operating certain motor vehicles. To obtain a license, an individual ordinarily must take and pass a knowledge test and skills proficiency examination; the license applicant must also meet certain age requirements and physical standards, such as adequate eyesight. Issuing drivers' licenses is generally the performed by state governments.

  **Registration** is a means for collecting information about specific vehicles for purposes of revenue collection, theft prevention, and law enforcement. The registration of motor vehicles is also a state government function.

# STRATEGY MANAGEMENT GOALS AND ACTION ITEMS

## OVERVIEW

The BLM launched this strategy in response to growing concerns that motorized access is a legitimate use of public lands, that is, on the one hand, important for many human needs and on the other hand is causing or perceived to be causing unacceptable resource impacts, and conflicts with other public land users.

The public has demonstrated its interested in OHV management on public lands by their participation in the public meetings, and the large number of comments that the BLM has received.

The public expressed their interest in management of OHVs on public lands by their participation in the public meetings and the number of comments.

For the strategy, BLM requested ideas and proposed solutions for improving OHV management. In reviewing the comments, a number of suggestions were presented that will be incorporated into this strategy, and some that will be further refined into other guidance, including an "OHV Field Guide."

The Management Goals and strategy actions that will be presented in this strategy are recommended responses to the issues raised by the public, and to a large extent, incorporate the public comments.

These recommendations depend on several factors to become a reality:

**The first factor is** funding. Scores of comments were received suggesting innovative funding sources, and offering volunteer help and services for OHV management. These suggestions have been incorporated into this strategy with BLM's commitment to implementing them on the ground. No amount of public or volunteer effort, however, can alleviate the need for a well-trained staff, and infrastructure required to effectively manage such a large program that involves such a large land area with such important needs. Without consistent, adequate funding, the BLM will be unable to accomplish most of the recommended actions.

**The second is** that successful implementation of the strategy depends on continued cooperation from the public. The staff who reviewed the public comments for this document were pleased by the level of public awareness, and impressed at the willingness of so many people to participate in this effort, both as commentors and as volunteers to help with implementation efforts in the future. The success of this strategy depends greatly on that continued level of support.

**The third factor** on which this strategy is dependent, is the recognition that most of the implementation actions must be accomplished at the local level. The Washington office needs to provide initial guidance and coordination, but in most cases, should act as a facilitator to allow BLM's states and local field offices to work with the local communities to accomplish many of the needed actions in this strategy.

## ISSUES

The issues are not listed in any specific order. The action items highlighted in bold text are the actions the BLM feels critical to the success of the strategy and will be implemented as soon as practical.

## 1. Internal and External Coordination

Public comments advised that improved communication at all levels is vital for any overall improvement in BLM's OHV program. The BLM needs to improve coordination and enhance communication throughout the agency and with other stakeholders.

**Management Goal I:** *By using the extensive public comments provided for in this strategy, the BLM will improve its management of off-highway vehicles use.*

**Action: Compile and publish an "OHV Management Field Guide" [hereafter referred to as "Field Guide"], incorporating the public comments, recommendations, and suggestions of tools, techniques, and practices for the management of OHV activities on BLM-administered public lands.**

**Management Goal II:** *Improve national-level coordination with other land management agencies and interest groups.*

**Action 1: Improve coordination and communication at all levels with our stakeholders.**

**Action 2:** Establish a national interagency coordinating group to improve consistency between agencies managing OHV activities.

**Action 3:** Encourage BLM state and field offices to form similar state and(or) local coordinating groups.

**Management Goal III :** *Form an "OHV Strategy Action Team" within the BLM to improve OHV management and to incorporate this strategy into a continuous process capable of responding to changing conditions.*

**Action 1: Each BLM state office will identify an OHV coordinator. (The BLM state offices are encouraged to locate and(or) share this position between states where it is appropriate.) The OHV coordinator will be responsible for coordinating OHV activities within the state or states and will serve on the National OHV Strategy Action Team. The BLM state OHV coordinator position should be a full-time assignment rather than a collateral duty, unless OHV use is minimal in a particular state/region.**

**Action 2: The National OHV Strategy Action Team will work with the national OHV coordinator to implement action items in this strategy and periodically provide progress reports to the public.**

Action 3: The state/regional OHV coordinator will work with field offices to identify additional interdisciplinary staffing needs, position responsibilities, and budget needs for successful OHV management.

## 2. Easements and Acquisitions

Much of the BLM-managed public lands are intermingled with state- and federally-owned lands. An estimated 10 to 20 percent of the BLM's existing road system has no legal access, as many private routes provide the only means of reaching certain public lands. While private landowners may currently allow public access, owners could close this access at any time. Although land acquisitions and disposals may seem to be the solution to OHV access issues, such land transactions usually take place on the basis of broad resource management objectives established through land-use planning, not on OHV issues alone.

**Management Goal:** *The BLM will pursue legal access to isolated parcels of public land, where appropriate, to help improve access to public lands.*

Action 1: Field offices will identify access needs and request funding for OHV-related access, exchanges, and acquisitions, through existing inventory and land use planning.

Action 2: The OHV needs identified in Action 1 will be incorporated into the existing agency ranking system for use in funding the backlog of acquisition needs. Easement acquisition is an integral part of OHV management.

Action 3: Consult with state and local governments prior to initiating easement acquisitions.

## 3. Education (Public Outreach)

Public comments focused on the need to create or strengthen a responsible-use ethic among public land users. The BLM has worked for many years with other agencies and private partners—including user groups, manufacturers, and retailers—to promote such an ethic. However, it is clear from the public's comments, as well as from the BLM's own observations, that the BLM must do more to foster responsible public land use.

**Management Goal:** *To improve the public outreach program for OHV visitors and to promote a more effective responsible-use ethic, the BLM will expand the responsible-use ethics training programs and increase the network of volunteer and BLM instructors skilled in the techniques of the "Leave No Trace" and "Tread Lightly! Inc." programs.*

Action 1: The BLM will expand its relationship with Tread Lightly! Inc. and other partners to develop a training curriculum, recruit and train instructors, and create a network that mirrors the "Masters of Leave No Trace" program.

Action 2: Incorporate information about regulations, penalties and consequences for irresponsible behavior in training and outreach programs.

Action 3: In training and outreach programs, incorporate information about statutory and regulatory restrictions for motorized and mechanized use in special management areas, including designated wilderness, national monuments, national conservation areas and wild and scenic rivers.

Action 4: The BLM will adopt a leadership role among federal agencies to promote land use ethics among OHV manufacturers and dealers.

## 4. Education (Staff Training)

The public has drawn attention to deficiencies in the BLM staff's understanding of OHV activities, issues, and program management. The BLM needs to provide staff training on the OHV designation process, current laws and regulations, and best management practices related to OHV use. A recent General Accounting Office (GAO) report found uncertainty among federal land managers regarding their authority for the management of OHV, specifically personal watercraft and snowmobiles.

**Management Goal I:** *Develop a comprehensive OHV staff education and training curriculum for training BLM field managers and specialists and for volunteers. Identify training needs, available training courses, and develop new training, if needed, in cooperation with other stakeholders in OHV recreation.*

**Action 1: The national OHV coordinator, in coordination with the National Training Center, will identify existing training courses and send out a training needs assessment questionnaire to office staffs. Develop new courses for training office staffs, based on the needs assessment findings.**

**Action 2: Incorporate the principles of "Tread Lightly! Inc." and "Leave No Trace" as formal guidance for all activities in the agency. These principles will be used in day-to-day activities and decision making.**

Action 3: Develop an "OHV Management for Managers" course.

Action 4: Incorporate the OHV designation process as an element of the land use planning training.

Action 5: Develop a training course specific to the process required for completing and implementing OHV designations.

**Management Goal II** Incorporate interpretation into OHV Management to improve the understanding of public Lands resources, and the relationship of these resources to human needs.

Action 1: Work with interpreters around the BLM to develop examples of Themes and messages that relate public land resources to the activities of OHV users.

Action 2: Develop interpretive outreach for OHV users such as audio tapes, brochures, and wayside exhibits.

Action 3: Work with cooperating associations and community groups to better distribute interpretive materials to OHV users.

Action 4: Develop interpretive training for visitor contact staff (Park Rangers, Law Enforcement Rangers, other BLM staff) and volunteers.

## 5. Environmental Considerations

Public comments related to OHV use included both actual and perceived impacts from OHV activity on the public lands. The public expressed concern about OHV impacts and the BLM's assessment of those impacts (including cumulative impacts) under the National Environmental Policy Act (NEPA) process. Compliance with the executive orders and statutes such as the Endangered Species Act, Clean Water Act and the Clean Air Act, have made it imperative that BLM focus more attention on identifying, monitoring, and mitigating OHV-related impacts.

**Management Goal I:** *Conduct an appropriate level of NEPA analysis that fully addresses OHV issues and impacts, including social and economic matters in compliance with laws such as the Endangered Species Act,*

*the Clean Water Act, and the National Historic Preservation Act. The BLM will conduct sound environmental analyses and use the best available science in making land management decisions.*

**Action 1:** When amending an RMP to specifically address OHV issues, the BLM will consider preparing an environmental impact statement instead of a complex environmental assessment.

**Action 2:** Pursue interagency coordination or develop multi-jurisdictional plans to insure consistency across agency boundaries.

**Action 3:** The BLM will continue to emphasize the use of interdisciplinary teams in the land-use planning process and encourage full public participation to insure the consideration of all resource values in the land-use planning process.

**Action 4:** Where OHV use is causing or will cause considerable adverse effects, more restrictive designations will be implemented (E.O. 11989, 1977). Use 43 CFR 8341.2 when implementing emergency closures.

**Action 5:** Address OHV management as part of assessment and restoration efforts such as watershed analysis, riparian restoration, habitat management, and other resource planning activities.

**Management Goal II:** *The BLM will reevaluate all BLM-administered public lands containing habitat for proposed or listed threatened or endangered species and their proposed or designated critical habitat for redesignation as either "limited" or "closed" to the use of off-highway vehicles to prevent adverse effects to those species and habitat.*

**Action 1: State Directors will have five years from the date of the publishing of the final National OHV Management Strategy, to identify areas where the cumulative effects of OHV use by individuals or groups have resulted in, or are reasonably expected to result in, more than negligible disturbance to habitat for proposed or listed threatened or endangered species and their proposed or designated critical habitat. This should be done in conjunction with ongoing planning or new NEPA activities.**

**Action 2:** State Directors may use closures or restrictions on a temporary basis (43 CFR 8341.2) to protect species and habitats to afford protection under the Endangered Species Act from OHV activities, pending the completion of any final closures or restrictions developed through the land use planning process.

**Action 3:** For those lands identified above where vehicle use designations have not been completed or the current designations are out-of-date because of use changes and(or) resource impacts, and a new planning start or revision is not scheduled to begin within two years of the release of the Land Use Planning Handbook, an interim OHV designation through a land-use plan amendment may be completed and implemented until such time as permanent designations are made. These interim designations must, at a minimum, establish designations that are sufficient to initiate vehicle management in areas where limited-use restrictions (such as limited to existing or designated roads and[or] trails) are warranted and(or) identify areas that should be immediately designated as closed to all types of vehicle use.

**Action 4:** For those lands identified above where interim designations are implemented and vehicle use is limited to existing or designated roads and(or) trails, as opposed to seasonal or other types of administrative limitations, a plan amendment to designated specific roads and trails on which vehicle use is allowed must be initiated within five years of completion of the interim designation.

**Management Goal III:** *The BLM will encourage and participate in scientific and social research projects that assess the current range of available OHV-related scientific information, and work to encourage the development of additional research. As data become available, the BLM will share it*

*with the field offices and provide direction, as needed, to make OHV management more proactive.*

**Action 1:** The BLM will work with other federal agencies and partners through the strategy action team to identify available research on OHV management and to support and encourage additional research as needed. The BLM will sponsor periodic workshops at the national and state levels, to encourage the production and sharing of OHV-related research.

**Action 2:** As issues emerge that relate to OHV management or impacts, such as state and national programs to manage water quality or air quality, to reduce the spread of noxious weeds, or to protect cultural resources, the BLM will participate in program development and distribute information to the field offices, or make management changes as appropriate.

**Management Goal IV:** *The BLM recognizes the impacts of noise from OHV activities and will actively work to reduce OHV sound levels on public lands.*

**Action 1:** The BLM will work with other agencies and private partnerships to encourage production of new OHV equipment with reduced noise emissions, and aftermarket equipment that is required to meet the same specifications. The group will also work to educate users about the negative impacts that noise creates.

**Action 2:** The BLM will take a leadership role in the development and application of practical sound measuring techniques, and promote sound testing on public lands. The BLM will work cooperatively with states that have instituted laws governing legal sound thresholds.

## 6. Fees and Funding

The BLM's OHV-related funding and staffing have not kept pace with rising recreational use and the Bureau's need to improve OHV management. The BLM must make better use of existing sources of funding for such management; it also needs new sources of funding, including revenue from user fees, outside funding, and grants to manage OHV use effectively. Though the public is aware that the BLM's OHV-related funding and staffing have not kept pace with rising recreational use, they feel the BLM still needs to improve OHV management and find alternative funding. The public has recommended a series of means for improving management by using outside funds.

**Management Goal I:** *Determine the actual costs and future needs for effective OHV management, including planning, education, resource protection, and enforcement. Use the data generated to seek adequate* ***appropriated*** *funding to manage off-highway vehicle use on public lands.*

**Action 1: The BLM will survey field offices and use existing databases to determine unfunded needs for OHV management and report findings. These unfunded needs would include staffing and operations costs, support services, administrative personnel, multi-disciplinary staffs, engineering and maintenance , as well as an increased field staff such as technicians, visitor services, and law enforcement rangers.**

**Action 2:** The BLM will emphasize OHV management funding needs in its annual budget submissions to Congress.

**Management Goal II:** *Improve BLM's capability to acquire outside funding and generate user revenue.*

**Action 1:** Identify all potential outside funding sources and share them throughout the system. (The "Field Guide" will contain a list of sources, both public and private.)

**Action 2:** As non-BLM funding sources are identified, determine those which require federal cost-share support and identify projects for funding.

**Action 3:** Using existing recreation challenge cost-share authority the BLM

will create an OHV challenge cost-share program to leverage outside partnerships and funding.

**Action 4:** Facilitate BLM field offices in the application for and administration of State OHV grant-funded programs.

**Action 5:** Encourage and assist other states which may be considering the development of State OHV grant-funded programs such as the California Green Sticker and the Idaho State gas tax.

**Action 6:** Assist BLM field offices in partnering with OHV user groups in applying for grants, taking advantage of any opportunities to obtain matching grants. Highlight offices that have successfully done this and identify experts in writing such grant applications.

**Action 7:** Form new or expand existing partnerships with recreation equipment manufacturers and dealers to obtain additional funds for on-the-ground OHV management. Encourage manufacturers to donate equipment and money for restoration, signing, and the publication of OHV materials, such as maps and brochures.

**Action 8:** Encourage States to establish personal rescue insurance programs, like that in Colorado, and encourage OHV users to participate in these programs (personal rescue insurance pools reimburse agencies for search-and-rescue costs). The cost of search and rescue and accident response diverts critical funds and personnel from other responsibilities.

**Action 9:** Congress has provided a program for BLM to collect user fees and use the revenue for on-the-ground projects. Compile a list of successful OHV-related fee projects and lessons learned, and include it in the Field Guide.

**Action 10:** BLM field offices should exercise existing authority to charge recreational user fees and recover agency costs particularly in areas where intensive OHV management is needed.

**Action 11:** BLM will identify existing cooperating nonprofit associations that work with OHV recreation and include this information in the Field Guide.

**Action 12:** Work with communities to establish areas for OHV or mountain bike activities that require intensive management.

## 7. Inventory, Planning, and Monitoring

The BLM needs sufficient baseline data for developing route maps, designating roads and trails, and for carrying out long-term monitoring. The BLM must monitor areas for the quantity and types of uses occurring within them, as well as the impacts of such uses on resources. The agency needs appropriate funding and personnel to accomplish these tasks.

**Management Goal I:** *Perform route and trail designation and management activities using adequate on-the-ground knowledge. Improve databases, and resource monitoring programs by assessing the current OHV information needs related to OHV activity and coordinate local and national efforts to improve the overall baseline inventory.*

**Action 1: The BLM will assess and evaluate data collection technologies. Determine what activities need to occur at the National or State level and allow development of appropriate techniques at the field level. Identify and share successful techniques for data collection including case studies of innovative projects. (For example, aerial or satellite photography or the use of contractors or volunteers for data collection and GIS applications.)**

**Action 2: The BLM will coordinate with other ongoing projects such as fire, research, "rangeland health" implementation, and planning to share the costs and labor associated with collection and use of data on roads, trails, and the monitoring of other resources.**

**Action 3:** The BLM will identify staff specialists with experience and expertise in the use of remote sensing and other technologies for data collection within the BLM that could be a resource to BLM field offices.

**Action 4** To the extent that funding is available, the BLM will use the best available data to designate specific roads

and trails through the land-use planning process.

**Management Goal II**: *Establish clear and consistent methodologies, procedures, and techniques for monitoring OHV use and impacts to meet existing resource health standards and guidelines. Develop monitoring plans and procedures sufficient to detect and evaluate OHV-related impacts so that management changes can occur, if needed.*

**Action 1**: Field offices will prepare a monitoring plan which will include the type of data and amount of funding they need in order to monitor OHV use and its impact on public land resources. The offices will convey this information to the headquarters office to assist in developing a budget initiative.

**Action 2**: Field offices will determine what level of resource impact necessitates a BLM response. Criteria will be developed for determining when and how to respond to certain environmental impacts such as habitat loss and degradation, effects on endangered, threatened, and sensitive species and habitat, surface disturbance, and the proliferation of user-created trails.

**Action 3**: Examples of successful monitoring plans and suggestions for development at the field office level will be made available to the field offices.

## 8. Law Enforcement (Penalties and Fines)

The public felt the BLM needs to seek more effective penalties and fines for OHV-related violations. The Federal Land Policy and Management Act authorizes maximum fines and imprisonment for violations of its provisions. Under FLPMA, a violation of the BLM's OHV regulations can subject the offender to a $1,000 fine and/or 12 months of imprisonment. Another federal law (18 U.S.C. 3571) authorizes courts to raise the fine level to $100,000. In practice, the courts typically assess fines of less than $200 for OHV-related offenses, which many members of the public regard as an insufficient deterrent to such violations. The BLM does not have authority to change FLPMA's maximum penalties and can only make recommendations to the U.S. District Courts on minimum fines (collateral/bail schedules.) Other public comments urged the BLM to seize or impound vehicles used in violating OHV regulations. While FLPMA authorizes the BLM to impound such vehicles, the agency lacks the necessary equipment (tow trucks) and facilities (secure impound yards) to generally carry out such actions. Also, once an offender has satisfactorily answered the charges, the BLM must release the vehicle after payment of impoundment expenses. While some public comments suggested that misused vehicles be forfeited to the federal government, Congress would have to pass authorizing legislation before the BLM could conduct forfeiture actions.

**Management Goal I**: *Modify existing regulations, penalties, and patrolling techniques to make the law enforcement program more effective.*

**Action 1: Improve patrolling techniques by providing additional equipment and training to field office personnel and/or cooperating state and local law enforcement agencies. Patrolling techniques should reflect the types of activities taking place on the public lands, such as the use of all-terrain vehicles (ATVs), motorcycles, dune buggies, personal watercraft, and snowmobiles.**

**Action 2: Adopt patrol techniques, including community policing, that will enhance visitor contact and user compliance.**

**Action 3**: Compare collateral/bail schedules among the various U.S. district courts to determine the range of fines for OHV-related violations. Based on the findings, the BLM will request the U.S. District Courts to increase the collateral/bail schedule amounts where appropriate.

**Action 4**: Review, clarify, and revise the existing OHV regulations. (See analysis and recommend actions under "Regulatory and Program Management (43 CFR 8340).")

**Management Goal II**: *Raise public awareness about the BLM's efforts to enforce compliance with OHV regulations.*

**Action 1**: Prepare an annual law enforcement report that contains summary data and illustrative examples of BLM enforcement actions related to OHV management.

**Action 2**: Issue information periodically that describes noteworthy OHV-related enforcement actions by the BLM. Take advantage of OHV group newsletters to disseminate this information.

**Action 3**: As part of the BLM's comprehensive OHV education program, prepare information that describes the legal consequences for violating OHV regulations.

## 9. Law Enforcement (Workforce)

Law enforcement needs to be a more visible and effective tool for OHV management. The public strongly supported an increased law enforcement presence as an important component in the OHV management program. Improvements in user education, signing, route marking, and other strategy outcomes will assist OHV law enforcement efforts. But, substantially more law enforcement rangers and support resources are needed to insure compliance with OHV regulations. Currently, each ranger patrols an average of 1.76 million acres of often very remote public land.

**Management Goal I**: *Strengthen the existing ranger workforce through increased staffing and the use of cooperative agreements with state and local law enforcement.*

**Action 1: Determine specific law enforcement needs, including new rangers and resources. Hire additional law enforcement rangers and locate positions, on a priority basis, to field offices with the greatest needs.**

**Action 2**: Strengthen existing or develop new law enforcement agreements with state and local law enforcement agencies wherever feasible.

**Management Goal II:** *Supplement the BLM law enforcement presence by making more effective use of nonlaw-enforcement personnel, volunteers, and the general public.*

**Action 1**: Enhance opportunities for citizen involvement in OHV enforcement issues. Explore establishing, wherever feasible, a system of 1-800 numbers to give citizens a convenient and timely method for reporting violations by OHV users.

**Action 2**: Raise the profile of the BLM's nonlaw-enforcement personnel and volunteers through the required use of the BLM uniform and by staffing on weekends and holidays and at special events.

**Action 3**: Enlist volunteers to assist in visitor contact and the patrolling and monitoring of OHV-use and environmentally sensitive areas. Include examples of successful volunteer programs and existing volunteer job descriptions in the Field Guide.

## 10. Permits, Licenses, and Registration

The public expressed the view that a BLM-administered registration or licensing system would solve many OHV management issues (such as resource protection, public safety, and fee collection). However, such a system would constitute a significant departure from existing federal policy, which defers such regulatory matters to state and local agencies. (Refer to "Public Comments Requiring Clarification.")

**Management Goal:** *Evaluate the efficiency of permit systems for individual OHV use in special and sensitive areas .The BLM will revise its regulations as necessary and issue special OHV use permits in selected areas on a trial basis.*

**Action 1**: Select pilot permit areas where a permit system would be a potentially effective tool for managing OHV use. These areas would also be sites where the BLM has identified resource protection, public safety issues, or where unique recreational opportunities exist and OHV user groups would be interested in participating in such a program.

**Action 2**: Establish permit fees based on comparable activities and administrative cost recovery.

**Action 3**: Explore permitting techniques that facilitate easy identification of permit

holders (for example, a vehicle display tag).

**Action 4:** As part of ongoing or new land-use plan activities, set criteria for permitted use areas which may include specific vehicle types, specific operator skill levels or special training, special fees for use, guided-tour use only, special vehicle inspection requirements.

**Action 5:** Operate pilot permit systems for three years and assess their effectiveness at the end of that period. Evaluate administrative costs, resource protection benefits, and user satisfaction or dissatisfaction and recommend whether to continue, cancel, modify, or expand the program.

## 11. Regulatory and Program Management (43 CFR 8340)

The BLM's off-road regulations (43 CFR 8340) need updating in order to meet today's OHV management challenges. The existing regulations define vehicle as "Off-Road Vehicles (ORVs)" and the regulatory definition does not include mechanized or nonmotorized vehicles used off road or off highway. Without necessary revisions to the existing 8340 regulations, the BLM will be hampered in its ability to manage a broad range of OHV uses and new technology effectively and consistently. The inclusion of mechanized vehicles in the regulations will clarify BLM land managers' vehicle-use authority, a point of confusion noted in a GAO report. Many public comments indicated a misunderstanding about the BLM's policy for ORV designations.

Other public comments expressed concern about the need to take into account valid existing rights (such as R.S. 2477 rights-of-way, American Indian rights, and inholdings), and to consider the access needs of the disabled, senior citizens, and big game hunters.

**Management Goal I:** *The BLM will propose revisions to the title of and vehicle definition used in 43 CFR 8340 to clarify the term "vehicle" and BLM's management authority over both motorized and mechanized vehicles.*

**Action 1:** Initiate the process of retitling 43 CFR Part 8340 from "Off-Road Vehicles" to "Vehicle Management." The generic title of Vehicle Management will enable the BLM to use more specific terms in its land-use plans, such as "off road," "off highway," "non-motorized," "mechanized," and "human-powered."

**Action 2:** Change the regulatory definition of Off-Road Vehicle (43 CFR 8340.05) by:

(a) changing the terminology "off-road vehicle" to "vehicle";

(b) incorporating all types of vehicles–motorized, mechanized, and human-powered–that operate off roads or highways; and

(c) including the descriptors "sand, snow, ice, marsh, and swampland," which appear in Executive Order 11644 but are not part of the definition that the BLM adopted in 43 CFR 8340.

The following is a proposed revision of the existing Off-Road Vehicle definition:

"Vehicle means any motorized or mechanized vehicle or mechanical device designed for, or being used for, travel or transportation of persons or materials, on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, excluding: (1) any nonamphibious registered motorboat or personal watercraft; (2) any military, fire, emergency, or law enforcement vehicle being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) vehicles in official use; and (5) any combat support vehicle when used in times of national defense emergencies."

**Management Goal II:** *The BLM will determine whether the current off-highway terminology for limited-use designations used in signs, maps and brochures, needs revision to improve understanding and compliance by the public.*

**Action 1:** Develop alternative wording to the commonly used phrases "Limited to Existing Roads and Trails" and "Limited to Designated Roads and Trails," as

currently used on signs, maps, and brochures. The BLM will seek to present a clearer, more direct message. Alternatives to consider include: "Closed to vehicle use except on signed and designated roads and trails" and "Closed to vehicle use except on existing roads and trails."

**Action 2:** Conduct field testing of alternative limited-use messages to compare their effectiveness with existing phrases.

**ManagementGoal III:** *Establish consistency when evaluating requests for special access considerations such as access for people with disabilities or big game retrieval.*

**Action: The BLM will develop national guidance to be used by its field offices when evaluating requests for special access consideration. Field offices will determine whether the use under consideration is valid; whether there is a demonstrated need for special consideration; whether the use can be authorized through a permit system with specific stipulations; whether the use is seasonal (and thus can be restricted to a particular time of year); whether the use is confined to a specific area; and whether the use is consistent with the BLM's resource management objectives for that area. The BLM will also examine the implications of granting special considerations, particularly their precedent-setting effect on other users, programs, and agencies.**

## 12. Regulatory and Program Management (BLM Regulations and ANILCA)

Alaska has identified an apparent conflict in Alaska between the Alaska National Interest Lands Conservation Act (ANILCA) regulations in 43 CFR 36, dealing with implementation of Title XI of the of 1980, and 43 CFR 8340, concerning Off-Road Vehicles. The issue involves "subsistence and the use of snowmachines."

**Management Goal:** *To achieve regulatory consistency, review, identify, and resolve the conflicts between ANILCA and 43 CFR 8340, as identified by the State of Alaska.*

**Action:** Propose any revisions needed to make ANILCA and 43 CFR 8340, as far as it applies to Alaska, consistent. Incorporate recommended changes into the proposed revision of 43 CFR 8340 (needed for updating definitions and for other purposes), as described above.

## 13. Regulatory and Program Management (Personal Watercraft and Snowmobiles)

A General Accounting Office report (GAO/CED-00-243) found that a significant number of federal land managers are uncertain of their authority for managing personal watercraft and snowmobiles on public lands and waters. In many areas it appears that this uncertainty has resulted in inadequate management, raising the possibility of adverse resource impacts from these recreational activities.

**Management Goal:** *Exercise authority under the FLPMA and other laws to manage vehicle uses consistently throughout the BLM and insure that all field managers know the specific legal authority for managing vehicle use on public lands, particularly use involving personal watercraft and snowmobiles.*

**Action 1:** Provide field managers with a summary of all existing legal authorities under which vehicle use can be managed. Include, for each authority, the specific type(s) of vehicle(s) covered.

**Action 2:** We will attempt to clarify of the relationship between personal watercraft and the exemption from off-road regulations for "registered motor boats" included in E.O. 11644.

## 14. Road and Trail Design, Maintenance, and Restoration

[Note: Road and trail construction and maintenance in Alaska under Sec. 17(b) of the Alaska Native Claims Settlement Act (ANSCA) will be addressed separately from this issue.]

Many comments focused on the inadequate maintenance of existing roads. Road and trail design, maintenance, and restoration techniques need to be improved to enhance resource conditions and visitor experiences on public lands. Additionally, lack of maintenance and poor road conditions create resource impacts, and encourage trail proliferation.

The future of OHV use on the public lands will focus on the use of roads and trails rather than cross-country travel. This trend will require BLM to have a more organized and effective program for roads and trails.

Additionally, the BLM needs to improve the technology for reclamation of closed OHV routes and for restoration of areas impacted by motorized vehicle use. The public also expressed the concern that BLM is constructing many "new OHV roads and trails." Except for specific resource management purposes, the BLM generally does not construct new road and trails for off-highway vehicle use. The BLM often works with the public to designate or link specific routes to provide recreation opportunities.

**Management Goal I:** *Formulate National OHV Route Standards and Guidelines, beginning at the field office level, to manage and maintain roads and trails to protect resource values, insure public safety, and improve public compliance on designated routes..*

**Action 1: The BLM will identify an interdisciplinary team to develop the standards and guidelines. The team will include OHV and recreation managers, resource specialists, and engineers.**

**Action 2:** The "Field Guide" will include route design, construction, monitoring, maintenance, and restoration techniques.

**Management Goal II:** *Elevate the priority for OHV trail maintenance by improving documentation of deferred maintenance needs as determined by resource concerns and use levels.*

**Action 1:** Participate in the ongoing effort to design a system of maintenance categories for roads and trails as part of the BLM transportation planning re-engineering effort.

**Action 2:** During the road and trail designation process, determine maintenance categories for existing roads and trails. Propose changes to maintenance categories if the desired designation and use of a particular road or trail will affect its maintenance level.

**Action 3:** To the extent possible with other priorities, the BLM will record existing roads and trails in Facility Inventory and Maintenance Management System (FIMMS) and will collect visitor use data in Recreation Management Information System (RMIS) and link the two systems.

## 15. Signs, Maps, and Other Public Information

Off-highway vehicle users are often confused about the appropriate use of their vehicles on public lands because of inadequate signs (both informational and regulatory), maps, brochures, and interpretive products. This confusion leads to conflicts between users, degradation of resources, and increased risks to public health and safety. However, excellent outreach products and efforts exists throughout the BLM. These include innovative techniques of mapping, Internet-posted information, outstanding public contact, cooperative efforts with other agencies, and the effective use of volunteers.

**Management Goal I:** *To improve the quality and distribution of the OHV visitor services information, the BLM will develop maps that meet the needs of the public land OHV user to insure safe and enjoyable visits, and to protect resource values. These maps will be standardized for public and Field office use.*

**Action 1: The BLM state or regional OHV leads will evaluate the existing maps with the assistance of the National Science and Technology Center. Determine mapping deficiencies and inconsistencies and develop mapping standards for OHV maps.**

**Action 2:** Encourage field offices to enlist user groups and volunteers to help carry out Geographic Information System and

Global Positioning System mapping, road and trail inventories, and other mapping-related work.

**Action 3:** Updated and revised OHV maps should be funded as a priority item in the OHV strategy implementation.

**Management Goal II:** *The BLM will provide mapping and OHV program information by the use of electronic and print media.*

**Action 1:** The BLM will consider producing and distributing OHV user guides and brochures that include a trail difficulty rating system for selected routes.

**Action 2:** The BLM will create websites that feature OHV bulletin board-type information and provide links to other OHV-related sites. This website will include downloadable OHV mapping capabilities for at-home trip planning.

**Action 3:** The BLM will provide OHV user maps in a digital format available on CD ROM or the Internet as the information becomes available.

**Management Goal III:** *Develop easily-understood visitor use informational, interpretive, and regulatory signs that are sufficient to meet OHV user needs, insure safe and enjoyable visits, and protect resource values.*

**Action 1:** The BLM will review existing guidance and participate in the improvement of or development of a BLM sign manual and handbook.

**Action 2:** State and field offices should work with other federal and state agencies to assure consistency in sign format and wording.

**Action 3:** The Field Guide will provide examples of interpretive media, such as kiosks, bulletin boards, and signs.

## 16. Wilderness Study Areas (General)

While the Interim Management Policy [IMP] provides guidance for the management of OHVs in WSAs, some Field offices have not consistently implemented this guidance. Moreover, many members of the public view the BLM's current management of OHVs in WSAs as insufficient to protect wilderness resources. In addition, without the completion of formal OHV designations through the land-use planning process, the BLM cannot effectively carry out or enforce the OHV policies detailed in the IMP.

**Management Goal:** *The BLM will take additional measures to prevent impairment of wilderness values in WSAs and insure that the OHV designations are consistent with the requirements of the IMP.*

**Action 1: Field offices managing WSA's will review current management of all WSA to assure compliance with Interim *Management Policy*. This review will, to the best extent possible, include a review of motorized activity within the area, and assure that all motorized or mechanized travel is limited to the exclusions listed in the IMP.**

## 17. Wilderness Study Areas (Interim Management Policy)

Public comment reflects a general misunderstanding about existing federal laws and BLM policies relating to WSA management. The BLM should seek to increase public and agency understanding of relevant federal law and BLM policies dealing with WSA management.

**Management Goal:** *Provide additional information to the public and agency staff clarifying the BLM's WSA Interim Management Policy. (See Appendix 4 "Excerpts from the BLM's Interim Management Policy for Lands Under Wilderness Review.")*

**Action 1:** The OHV Strategy Action Team will develop an evaluation guide on managing "ways" and trails within WSAs. This guidance should specify techniques, methodology, and documentation necessary to determine the extent of changes on "ways" and trails that can take place before impairment occurs.

**Action 2:** Within 60 days of publication of the final National OHV Management Strategy, issue an internal Information Bulletin that reaffirms the need for BLM staff to be familiar with the IMP's OHV management provisions.

**Action 3:** Develop outreach materials for the public about the BLM's Wilderness Study Areas and it's Interim Management Policy.

## 18. Wilderness Study Areas (Monitoring and Surveillance)

The BLM should improve its monitoring and surveillance of WSAs to detect unauthorized vehicle use.

**Management Goal:** *The BLM will increase the effectiveness and frequency and improve the documentation of monitoring and surveillance of WSAs.*

**Action 1:** Increase staffing and funding at Field offices to insure that these offices can monitor OHV use and impacts within WSAs in accordance with monitoring and surveillance plans.

**Action 2:** Enlist the assistance of all field staff in monitoring WSAs.

**Action 3:** Develop a model format for documenting monitoring and surveillance for use by BLM field offices, which will adapt to meet local needs. Include this format as a component of BLM's WSA management training course.

**Action 4:** The field offices will use the model format as a guide to review their WSA monitoring and surveillance plans. The purpose of this review is to insure that local plans include effective criteria to identify and report OHV impacts on wilderness characteristics.

# APPENDIX 1

## EXCERPTS FROM

## EXECUTIVE ORDER 11644

## (as amended by Executive Order 11989)

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# EXCERPTS FROM EXECUTIVE ORDER 11644 (as amended by Executive Order 11989)

## EXECUTIVE ORDER NO. 11644

< Feb. 8, 1972, 37 F.R. 2877, as amended by Ex. Ord. No. 11989, May 24, 1977, 42 F.R. 26959; Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617>

### USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

An estimated 5 million off-road recreational vehicles–motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all-terrain vehicles, and others–are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands–often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity– has demonstrated the need for a unified federal policy toward the use of such vehicles on the public lands.

Now, Therefore, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) [this chapter], it is hereby ordered as follows:

Section 1. Purpose. It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Sec. 2. Definitions. As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C)

lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

Sec. 3. Zones of use. (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of

off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following–

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

Sec. 4. Operating conditions. Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

Sec. 5. Public information. The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

Sec. 6. Enforcement. The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

Sec. 7. Consultation. Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Secretary of Energy and the Nuclear Regulatory Commission.

Sec. 8. Monitoring of effects and review. (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

Sec. 9. Special protection of the public lands. (a) Notwithstanding the provisions of

Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.

RICHARD NIXON

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# APPENDIX 2

# EXCERPTS FROM THE

# CODE OF FEDERAL REGULATIONS

# TITLE 43
# PART 8340

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# CODE OF FEDERAL REGULATIONS
# TITLE 43– PUBLIC LANDS: INTERIOR

## PART 8340– OFF-ROAD VEHICLES

Subpart 8340 – General


Sec.
8340.0-1 Purpose.
8340.0-2 Objectives.
8340.0-3 Authority.
8340.0-5 Definitions.
8340.0-7 Penalties.
8340.0-8 Applicability.


Subpart 8341–Conditions of Use


8341.1 Regulations governing use.
8341.2 Special rules.


Subpart 8342–Designation of Areas and Trails


8342.1 Designation criteria.
8342.2 Designation procedures.
8342.3 Designation changes.


Subpart 8343–Vehicle Operations


8343.1 Standards.


Subpart 8344–Permits


8344.1 Permit requirements.


AUTHORITY: 43 U.S.C. 1201, 43 U.S.C. 315a, 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 460*l*-6a, 16 U.S.C. 1241 *et seq.*, and 43 U.S.C. 1701 *et seq.*

SOURCE: 44 FR 34836, June 15, 1979, unless otherwise noted.

SUBPART 8340–GENERAL

§ 8340.0-1 Purpose.

The purpose of this part is to establish criteria for designating public lands as open, limited or closed to the use of off-road vehicles and for establishing controls governing the use and operation of off-road vehicles in such areas.

§ 8340.0-2 Objectives.

The objectives of these regulations are to protect the resources of the public lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

§ 8340.0-3 Authority.

The provisions of this part are issued under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Taylor Grazing Act ( 43 U.S.C. 315a); the Endangered Species Act (16 U.S.C. 1531 *et seq.*); the Wild and Scenic Rivers Act (16 U.S.C. 1281c); the Act of September 15, 1960, as amended (16 U.S.C. 670 *et seq.*); the Land and Water Conservation Fund Act (16 U.S.C. 460*l*-6a); the National Trails System Act (16 U.S.C. 1241 *et seq.*) and EO 11644 (Use of Off-Road Vehicles on the Public Lands), 37 FR 2877, 3 CFR 74, 332, as amended by EO 11989 42 FR 26959 (May 25, 1977).

§ 8340.0-5 Definitions.

As used in this part:

(a) *"Off-Road Vehicle"* means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any nonamphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use; and (5) any combat or combat support vehicle when used in times of national defense emergencies.

(b) *"Public Lands"* means any lands the surface of which is administered by the Bureau of Land Management.

(c) *"Bureau"* means the Bureau of Land Management.

(d) *"Official Use"* means use by an employee, agent, or designated representative of the Federal Government or one of its contractors, in the course of his employment, agency, or representation.

(e) *"Planning System"* means the approach provided in Bureau regulations, directives and manuals to formulate multiple use plans for the public lands. This approach provides for public participation within the system.

(f) *"Open area"* means an area where all types of vehicle use is permitted at all times, anywhere in the area subject to the operating regulations and vehicle standards set forth in Subparts 8341 and 8342 of this title.

(g) *"Limited area"* means an area restricted at certain times, in certain areas, and/or to certain vehicular use. These restrictions may be of any type, but can generally be accommodated within the following type of categories: Numbers of vehicles; types of vehicles; time or season of vehicle use; permitted or licensed use only; use on existing roads and trails; use on designated roads and trails; and other restrictions.

(h) *"Closed area"* means an area where off-road vehicle use is prohibited. Use of off-road vehicles in closed areas may be allowed for certain reasons; however, such use shall be made only with the approval of the authorized officer.

(i) *"Spark Arrester"* is any device which traps or destroys 80 percent or more of the exhaust particles to which it is subjected.

[53 FR 31003, Aug. 17, 1988]

§ 8340.0-7 Penalties.

Any person who violates or fails to comply with the regulations of Subparts 8341 and 8343 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1,000 or imprisonment for not longer than 12 months, or both.

§ 8340.0-8 Applicability.

The regulations in this part apply to all public lands, roads, and trails under administration of the Bureau.

SUBPART 8341–CONDITIONS OF USE

§ 8341.1 Regulations governing use.

(a) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(b) Any person operating an off-road vehicle on those areas and trails designated as limited shall conform to all terms and conditions of the applicable designation orders.

(c) The operation of off-road vehicles is prohibited on those areas and trails closed to off-road vehicle use.

(d) It is prohibited to operate an off-road vehicle in violation of State laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles. To the extent that State laws and regulations do not exist or are less stringent than the regulations in this part, the regulations in this part are minimum standards and are controlling.

(e) No person may operate an off-road vehicle on public lands without a valid State operator's license or learner's permit where required by State or Federal law.

(f) No person shall operate an off-road vehicle on public lands:

(1) In a reckless, careless, or negligent manner;

(2) In excess of established speed limits;

(3) While under the influence of alcohol, narcotics, or dangerous drugs;

(4) In a manner causing, or likely to cause significant, undue damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources or other authorized uses of the public lands; and

(5) During night hours, from a half-hour after sunset to a half-hour before sunrise, without lighted headlights and taillights.

(g) Drivers of off-road vehicles shall yield the right-of-way to pedestrians, saddle horses, pack trains, and animal-drawn vehicles.

(h) Any person who operates an off-road vehicle on public lands must comply with the regulations in this part, and in § 8341.2 as applicable, while operating such vehicle on public lands.

[44 FR 34836, June 15, 1979, as amended at 45 FR 47843, July 17, 1980]

§ 8341.2 Special rules.

(a) Notwithstanding the consultation provisions in § 8342.2(a), where the authorized officer determines that off-road vehicles are causing or will cause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence. Such closures will not prevent designation in accordance with procedures in Subpart 8342 of this part, but these lands shall not be opened to the type(s) of off-road vehicle to which it was closed unless the authorized officer determines that the adverse effects have been eliminated and measures implemented to prevent recurrence.

(b) Each State director is authorized to close portions of the public lands to use by off-road vehicles, except those areas or trails which are suitable and specifically designated as open to such use pursuant to Subpart 8342 of this part.

[53 FR 31003, Aug. 17, 1988]

SUBPART 8342–DESIGNATION OF AREAS AND TRAILS

§ 8342.1 Designation criteria.

The authorized officer shall designate all public lands as either open, limited, or closed to off-road vehicles. All designations shall be based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands; and in accordance with the following criteria:

(a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands, and to prevent impairment of wilderness suitability.

(b) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to protect endangered or threatened species and their habitats.

(c) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(d) Areas and trails shall not be located in officially designated wilderness areas or primitive areas. Areas and trails shall be located in natural areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, esthetic, scenic, or other values for which such areas are established.

§ 8342.2 Designation procedures.

(a) *Public participation.* The designation and redesignation of trails is accomplished through the resource management planning process described in Part 1600 of this Title. Current and potential impacts of specific vehicle types on all resources and uses in the planning area shall be considered in the process of preparing resource management plans, plan revisions, or plan amendments. Prior to making designations or redesignations, the authorized officer shall consult with interested user groups, Federal, State, county and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have its views given consideration.

(b) *Designation.* The approval of a resource management plan, plan revision, or plan amendment constitutes formal designation of off-road vehicle use areas. Public notice of designation or redesignation shall be provided through the publication of the notice required by § 1610.5-1(b) of this Title. Copies of such notice shall be available to the public in local Bureau offices.

(c) *Identification of designated areas and trails.* The authorized officer shall, after designation, take action by marking and other appropriate measures to identify designated areas and trails so that the public will be

aware of locations and limitations applicable thereto. The authorized officer shall make appropriate informational material, including maps, available for public review.

[53 FR 31003, Aug. 17, 1988]

§ 8342.3 Designation changes.

*Monitoring use.* The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever the authorized officer deems it necessary to carry out the objectives of this part, designations may be amended, revised, revoked, or other actions taken pursuant to the regulations in this part.

SUBPART 8343–VEHICLE OPERATIONS

§ 8343.1 Standards.

(a) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, when established, may be operated on public lands.

(c) By posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau offices, the authorized officer may indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrester. The spark arrester must meet either the U.S. Department of Agriculture–Forest Service Standard 5100-1a, or the 80-percent efficiency level standard when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. These standards include, among others, the requirements that: (1) The spark arrester shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and (2) the spark arrester has been warranted by its manufacturer as meeting this efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation. A spark arrester is not required when an off-road vehicle is being operated in an area which has 3 or more inches of snow on the ground.

(d) Vehicles operating during night hours, from a half-hour after sunset to a half-hour before sunrise, shall comply with the following:

(1) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two- or three-wheeled vehicles or single-tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels or more than a single track will have a minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight.

(2) Red taillights, capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions, are required on vehicles in the same numbers as headlights.

SUBPART 8344–PERMITS

§ 8344.1 Permit requirements.

Permits are required for certain types of ORV use and shall be issued in accordance with the special recreation permit procedures under Subpart 8372 of this chapter.

# APPENDIX 3

# SUMMARY OF PUBLIC COMMENTS

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# SUMMARY OF PUBLIC COMMENTS

## COMMENT SUMMARY

The following is a synopsis of the comments, concerns, and recommendations received during the public outreach on how best to develop a National OHV Management Strategy.

## ACCESS/ACQUISITIONS/ EASEMENTS

Several commenters noted that, in some cases, legal access was restricted based on the nonfederal ownership of adjacent lands. In order to improve public access, it was suggested that BLM obtain access or easements to those isolated parcels. In addition, commenters suggested that the BLM consider purchasing or selling of public lands for resource protection. It was also felt that BLM should exchange or trade public lands that receive heavy OHV use and that BLM is unable to provide adequate resource protection.

### Access

- Improve public access through acquisition of private lands.
- Obtain access to public lands that are blocked by state or private lands
- Access to public lands that are blocked by state or private lands is an issue that should be resolved.

### Easements

- Obtain easements for all O&C (Oregon & California Railroad) public lands.
- Obtain easements through private lands.

### Purchase Land

- Buy out in-holdings to eliminate them as OHV designations.
- Consider trading or disposing of lands where BLM can not protect from heavy OHV use.
- Purchase in-holdings to avoid fragmentation

### Land Sale

- Trade or dispose of public lands where BLM can not protect them from heavy OHV use.

## EDUCATION

Education was identified by many commenters as a major OHV management tool to educate both the users and nonusers on the proper and responsible use of OHV's on public lands. The commenters pointed out that it is important for BLM to invest sufficient people, time and funds in educational programs for both the general public and BLM employees.

Commenters suggested that a comprehensive education and training programs be developed which stresses the knowledge of existing rules and regulations, safety, ecosystem protection, resource concerns, and the consequences of driving in restricted areas. Educational comments not only focused on the BLM developing programs but also working cooperatively or developing educational partnerships with manufacturers, retailers, local residents, OHV clubs, associations and other user groups. Commenters also noted that an integral part of the educational program is informing OHV users where travel is permitted or prohibited, the proper use off-road vehicles. This will help greatly reduce conflicts and damage to the resources and prevent the creation of new roads.

The dissemination of information and the actual presence of BLM employees are critical to any education efforts was a major theme in the comments. Suggestions were provided on types of multiple outreach efforts where BLM employees could participate in and distribute information. These included seminars, dealerships, schools, and both local and national meetings. Commenters indicated that there was a need for a wide range of educational materials such as materials on regulations, responsible use, safety and the protection of the environment.

### Education General

- OHV users should complete classroom and field course prior to licensing ( one comment offers administrative help to set up programs–college and university administrator).
- Increase education of OHV users and/or public at large (including school kids).
- Educate public about rules/regulations, safety, resource concerns, multi-use, location of OHV areas and existing roads and trails, consequences of driving in restricted areas.
- Education first then planning, public participation and partnerships will follow.

- Use Tread-lightly.
- Focus on local outreach–hire employee to do full-time.
- Use common (understandable) language in regulations.
- Establish a "code of conduct" for users.
- Make responsible riding more acceptable by developing a new icon (i.e., Smoky Bear) or employing nationally known riders and celebrities to promote message (i.e., Jeff Foxworthy).
- Education of the public may be the only answer, open houses showing impacts, pamphlets with summary of current rules.
- Education in the appreciation and preservation of ecosystems.
- Safety guidelines already exist, use them (Coordinate with Honda).
- Promote State training programs to OHV operators.
- With each new "toy" comes the responsibility of our public officials to educate about the consequences of those toys on our lands.
- Education to promote understanding of the complexity of the interdependencies supporting these complex ecosystems - human impacts.
- BLM must spend more time communicating the ecological value of its lands to the public. Conduct free seminars for the public (including schools) to communicate these values. Issue stickers the public could place on their cars–course completed.
- Educate starting at Middle school level.
- With hunting regulations, provide guidelines for OHV use.
- Educate on off-road etiquette.

## Management & Personnel

- Provide facilitation training for managers.
- Train agency personnel about OHV use, user expectations and trail system planning.
- Focus on agency leadership.
- Train employees as environmental educators.
- Provide training classes or material for BLM personnel on OHV management and use.
- Train personnel about trail system planning.
- Law enforcement rangers on ATVs, motorcycles, etc to help educate the public.
- Planners must develop knowledge of OHV users.
- National OHV Conservation Council can assist.
- Increase staff so 90% of the employees can be field oriented.

## Outreach Educational Efforts

- BLM should attend National OHV Conservation Council.
- BLM should attend partners/clubs meetings and talk to clubs.
- Provide information/education at site entrances, OHV dealerships & venders, sporting events, clubs meetings, off-road magazines, maps, informational kiosks, internet, more BLM presence in field, and schools.
- Establish information centers in high density or scenic areas to provide the public with printed materials, handouts, and maps.
- Seminars dealing with proper orientation of OHV's on BLM lands should be provided for OHV users at OHV dealers and organizations. Map reading skills should be emphasized.
- Publish changes in travel restrictions in local newspapers.
- Call ahead numbers to see if an area is open for vehicle access (i.e.; rain in the last 24 hours would shut down the area).
- Let the mountain men & women walk!!
- Educational opportunities for the public should be readily available regarding legal expectations, restrictions, prohibitions, and consequences associated with violations.

## Educational Materials or Courses

- Develop, publish and distribute an ORV Use Ethic document.
- Insure the dissemination of information and educational material especially regulations and concerns for the protection of the natural resources.
- Education through continued news releases, informational mailings.
- Sell or distribute the "Trail Construction and Maintenance Notebook.
- Develop a standard book of terminology regarding OHV use and issues.
- Develop a simple tutorial and test on appropriate and inappropriate behavior and vehicle use would be a good start.
- Contact the American Motorcycle Association to help pass out packets with educational information.
- Ethics course required for access on public land.
- Provide education on proper, responsible OHV use.
- Establish a National OHV training program (i.e., hunter safety courses).
- Hold classes on OHV environmental awareness.
- BLM provide training courses.
- Hold information seminars covering trail usage, parking camping, OHV use etc.
- Hold public workshops on the legal aspect of BLM decision making.
- Aggressive public education on resource issues (weeds, disturbance, erosion).
- BLM/FS should buy TV ad time to put out their message.
- More outreach via newspapers and TV.

## Education Partnerships

- Encourage groups or agencies to sponsor training days - tips on riding, safety.
- Actively partner with visitors safety education programs such as those available for four-wheel drive use (United Four Wheel Drive Association's, Four Wheel Drive Awareness clinics), snowmobile use, ATV safety and motorcycle use.

- Work with manufactures to promote responsible use in advertisements and to develop a more environmentally friendly products.
- Work with OHV magazines, manufacturers and club affiliations to help educate the OHV user.
- Work with OHV users to educate them to the needs of the public lands and the other users such as native inhabitants, historical sites, and seasonally sensitive areas.
- Advertising by car companies promotes misuse of the public lands, work with them.
- Include "Tread Lightly!" during hunter safety courses.
- Education programs conducted jointly by RV clubs, dealers and the government, should be held at the middle and senior level high schools.

## ENGINEERING

Although based on different viewpoints to either protect the environment or improve trail experience, many commenters recommended that BLM insure proper route and trail design and location, develop construction standards and maintenance schedules. This would minimize environmental impacts while simultaneously providing for a better trail experience for the OHV user.

Commenters noted that poorly designed trails are a threat to both public safety, resources and the environment and should be closed or reconstructed. Several methods to protect the environment were suggested such as the construction of bridges over creeks and streams, establishment of buffer zones, the use of barriers, fences and gates.

Many commenters indicated the creation of a quality, challenging and diverse range of trail experiences was important. Commenters suggested the development long or interconnected loops to make the most efficient use of the lands, and point-to-point trails or routes, multiple routes back to the trail head, wide range of trail difficulties, and terrains.

### Route and Trail Design

- Complete through-routes that cover hundreds of miles (across area/regions)/ This is important for controlling and managing uses as well as providing appropriate and recreationally gratifying routes for people to use.
- Insure proper trail design and construction.
- Provide a managed OHV area with lots of trails and a few sand lot type play areas.
- Bridge construction over creeks/streams.
- Install obstacles at trail heads of difficult trails.
- Improve trail planning & construction–prohibit mechanical equipment.
- Develop "loop" trails.
- Provide parking areas for transport vehicles.
- Build new roads/trails to connect areas, divert from more sensitive areas, minimize erosion.
- Locked gates prohibited.
- Do not build new roads or limit new roads.
- Number trails.
- Construct multi-use trails.
- Construct 8-foot-width trails.
- Join trails together–do not create dead-ends.
- Allocate OHV use–10% of BLM land, 50% of land, divide equally among users.
- Provide motocross tracks, enduro circuits, and long distance trails.
- Space OHV trails 10-12 miles apart for hunters.
- Establish 50 ft buffer on existing roads for multiple use.
- Provide sufficient parking space at trail heads.
- Develop nation-wide OHV trail system.
- Develop more efficient "road rip" techniques to shut off use.
- Provide challenging trails.
- Mitigate soil disturbance by trail maintenance and reconstruction.
- Build up stream bottoms with boulders to prevent dredging.
- Trail widths for different vehicles.
- Incorporate slope limitations when designating roads.
- Make ecological needs the limiting factor when designating roads.
- Use barriers, rocks, fences, gates to restrict use/close areas.
- Close & rehab all unauthorized routes.
- Consider the effective gating and fencing to discourage users in areas that are closed.
- Divert OHV trails away from private lands.
- Nonessential (or officially recognized) roads or user created trails should be rehabilitated.
- Improve water crossings.
- Strongly recommend that improvement grading of trails be stopped.
- Incorporate slope limitations when designating roads.
- Pave or apply mag./chloride on main routes to recreation sites.
- Well planned trials a must.
- Use barriers, rocks, fences, gates to restrict use/close areas.
- Maintain and make new motocross tracks in specific areas to focus most use in small areas.
- Motorcycle races should go around a race course only once (i.e., hare & hound). Races should be canceled if the ground gets wet.
- Tank trap barriers should be considered 4 feet deep old RR ties sunk in concrete.
- Barbed wire fences have proven effective in containing.

- Limit access through the greater use of reinforced barriers.
- Open more challenging trails, ordinary dirt roads do not cut it.
- Fence to keep OHVs out of unwanted areas.
- Allow ORV use of sandy soils and slick rock.
- Construct new trails or connector routes between short or nonconnecting trails.
- Large OHV's and small OHV's -How to manage tracks that are different widths.
- Provide plenty of parking for visitors and make trails directional.
- "Trail Creep" in which a designated or non designated trail created by nonmotorized users open to travel by larger 4-wheel OHV's.
- Wernex Report is the OHV trail design and maintenance handbook. Letter from the AMA.
- Encourage use by appropriate kinds of vehicles, i.e., important that vehicles be able to negotiate the terrain they are driving without adversely affecting the trail, by posting trail heads to inform people of trail conditions and kinds of vehicles capable of negotiating in low-impact manner.
- Trails and roads should be rated much like ski runs.
- Use concrete block for erosion control on trails.
- Most impacts occur immediately around staging areas; disperse users to substantially reduce impacts.
- Use native trees and shrubs rather than fences to restrict access.
- Create staging areas.
- Proper trail location, design and construction has been use to significantly reduce impacts caused by OHV.
- User want an assortment of recreational opportunities (easy, difficult, short, long).
- Lands designated for OHV use should be in noncritical areas at least 3 miles from riparian corridors, wildlife migration routes.
- Provide adequate roads to trial heads with adequate facilities for parking and unloading.

### Maintenance

- More road/trail maintenance.
- No maintenance on 4WD trails.
- Insure proper trail maintenance.
- No maintenance, on public land.
- Emphasize maintenance over new developments.
- Properly maintain trails so new ones are not created.
- Reclaim a significant portion of selected roadways to establish narrower tracks for OHVs.
- Provide intelligent maintenance of off-highway areas. Proper maintenance reduces the creation of spurs and bypasses which are very damaging.
- Restore environmental damage.
- Use volunteers and interagency shared use of specialized equipment.

## ENVIRONMENTAL CONSIDERATIONS

A considerable number of commenters requested that BLM provide adequate protection for natural resources by establishing methods or developing specific, yet simple guidelines to reduce environmental impacts from OHV activity. It was suggested that BLM identify sensitive areas which require special protections. If sensitive areas are identified, consideration should be given to close the areas or apply seasonal use restrictions.

Among the sensitive areas or resources identified, commenters requested that BLM protect fragile or sensitive areas such as cryptobiotic crust, watersheds, riparian areas, steep inclines, the habitat of any sensitive, threatened or endangered species, as well as natural and historic resources. Several impacts from OHV use were also mentioned such as litter, noise, air and water quality. In addition, commenters requested the BLM to study areas prior to route designation to ensue that the routes will not cause adverse environmental impacts. This included applying the NEPA process when to OHV activities or actions.

Many commenters noted that BLM should use an open public process to complete the required environmental documentation in order to satisfy the disclosure of impact and taking a hard look provisions of National Environmental Policy Act. Involvement of the affected interests will insure that success of a comprehensive plan to manage recreation on public lands, in an environmentally responsible manner.

### Environmental Considerations (General)

- Identify "Critical Public Resource" with zero impact tolerance.
- Under "Tread Lightly!" other resources should be protected.
- Balanced decision based on recoverable use versus irreparable destruction.
- No dogs allowed impact to wildlife by chasing.
- Program should be environmentally and socially responsible.
- Report ORV tracks as environmental damage.
- Access with less damage - environmentally aware guides best way to insure access and reduce damage.

- Establish there is no "right to pollute."
- Base decisions on sound scientific study, especially on environmental issues.
- Time to admit OHV use is not compatible with the vast majority of uses.
- BLM should survey lands and using the best conservation science principles determine where OHV use is reasonable and where it should not be allowed.
- Control access to undeveloped areas.
- Consider the cumulative socioeconomic effects on the closure of areas.
- It should be clear to the public that proposed routes will not result in adverse environmental impacts.
- Environmental impacts should be addressed but not at the expense of access.

## Environmental Issues

- Damage to cryptobiotic crust last for over 100 years.
- Litter a problem from OHV users.
- Consider local economic issues in decision making.
- Handle resource concerns at local level, not WO level.
- Look for areas where OHV impacts are out of primary view sheds.
- Multiple use does not mean you have the right to destroy sensitive habitats.
- Wholesale habitat and visual destruction on the edges of western towns and cities where ATV's and dirt bikes have established defacto playgrounds for the use of their vehicles.
- Environmental studies should be performed on the ORV trails so that ORV damage is fully assessed.

## Resource Protection

- Protect riparian areas, scenic areas, wildlife, T&E from OHV use.
- Protect resources by using remote sensing device.
- Use seasonal restrictions to protect resources/wildlife.
- Require OHV users to wash machines (noxious weeds).
- Route trails to reduce erosion and soil damage.
- Resources should be protected as much is as humanly possible.
- Bridges built over mud bogs for protection.
- Allow OHV use in nonsensitive areas/prohibit use in sensitive areas.
- Maintain primitive areas as primitive.
- Use bridges to protect stream crossings/wetlands.
- Set up permanent study plots to measure any ecological change.
- Restrict use in areas with invasive plant infestations and biological crusts (cryptobiotic soils).
- Establish and enforce limited operating periods (LOP's) whenever OHV use may affect reproduction or dispersal of offspring.
- Reclaim already damaged areas.
- Consideration should be given to air pollution.
- Prohibit OHV in watershed areas.
- Enforce air and water quality standards.
- Exclude OHV use from areas of high resource values (i.e., riparian, T&E habitat, fragile communities) or where weeds might be a problem.
- Check and steam clean OHVs before entering an area.
- Fencing should be sensitive to migration and habitat fragmentation conflicts.
- Wildlife is more impacted by hikers, bicycles and horses.
- All resources should be vigorously and intelligently protected.
- Protect areas from increased erosion and pollution of the vehicles.
- Insure that the OHV use is compatible with the health and sustained values of the public lands.
- OHV prohibited in wildlife wintering areas.
- Preserve not conserve. Certain specific areas are considered sensitive then could be posted, possibly effective only certain times of the year.
- Letter from the EPA-Addresses air quality and noise issue.
- Limit OHV usage to specific times of the year for resource considerations.
- Limit OHV's only to 4-cycle engines - reduce pollution.
- That vistas and views be recognized as an important part of open undeveloped public land.
- OHV use must be minimized, "Rent the Video!!."
- Your first loyalty is to the resource, then consider other uses.
- Identify and prioritize critical wildlife habitat and wildlife use areas.
- Design a transportation system provides protection to these entities.
- Protect fragile or sensitive areas such as: cryptobiotic soils, watersheds, riparian areas, steep inclines and habitat of any sensitive, threatened or endangered species wildlife, natural and historic resources.
- All designated routes need to be analyzed for impacts to soils, vegetation, water, etc., to determine their affect on the land.
- The Department of the Interior and BLM should do comprehensive studies to determine impacts on wildlife and land and then implement and enforce a stringent program for use in nonfragile, nonthreatened, designated areas only.
- "First priority is the protection of natural, cultural, and biological resources. Route designation only after the completion of a study to determine that routes will not cause adverse environmental impacts."

### Noise Impacts

- OHVs must be cleaner and quieter sound pollution should be considered.
- Develop mandates for noise levels and enforce sound levels.
- Define what is "acceptable" sound level.
- Use buffer zones to mitigate sound.
- Ban 2 stroke engines.
- Require mufflers and bafflers, should be mandatory.
- Lower OHV noise standard and pursue aggressive law enforcement of it.
- Sound management is subjective, not objective.
- Work with manufacturers to reduce noise levels.
- Use pocket-sized instruction booklet for that has been developed for conducting sound tests to administer a practical and effective noise control program.

### Closures for Resource Protection/Safety

- Limit closures to site specific areas.
- Enact smallest closure possible to protect resources.
- Establish threshold of impact in an area. Monitor area. If the threshold is reached, close the area and restore it. Educate users about threshold.
- Analyze environmental consequences of closures -positive and negative.
- Mitigate vegetation disturbance by transplant, re-location or seasonal closures.

### Planning/Decision Making

- Fund studies by independent entities to study and evaluate public land to avoid bias decision-making.
- Demonstrate through an open public process for the planning process for recreational use, and proposed ORV routes.
- Make decisions on case by case basis.
- Address the majority of the users in management plans.
- Weigh input from local community heavier in decision-making and land use decisions.
- Use input from public in decision making, determine open/closed designations, planning and implementation, and in establishing policy.
- Include adjacent landowners in the planning process.
- Use partnerships to determine which areas are best suited to what use–Separate trails for different user groups.
- Use partnerships to determine open and closed trails.
- Hold periodic/monthly/biannual public meetings on OHV road/trail report.
- BLM, OHVer's & environmentalists work together.
- Have local groups manage decisions by coalition of interested groups.
- National policy, not decided by local managers.
- Local planning waste of time.
- BLM make decisions, not consensus groups.
- Area specific policies, not statewide policies.
- Insure maximum local involvement in developing and implementing local OHV (or travel) management plans.
- Implement existing plans.

### National Environmental Policy Act (NEPA) and Federal Land Policy and Management Act (FLPMA)

- No EPA studies.
- BLM include environmental impacts in NEPA analysis.
- Use NEPA for designation, construction & maintenance, ORV facilities.
- NEPA review process for ORV management program.
- FLPMA - ORV use where appropriate use, not responsible use.
- NEPA, ORV executive orders.
- NEPA analysis - be specific in the impacts analysis in EAs.
- BLM should follow NEPA for designation of use areas.
- Motorized user groups should pay for all NEPA requirements.
- Analyze environmental consequences of closures -positive and negative.

## FEES AND FUNDING

The majority of the commenters indicated that a fee system needed to be established. Some individuals suggested that BLM charge a base or yearly fee for OHV use. Other recommended in addition to charging a fee, a fee waiver or reduce license fees for volunteers. A fee system will enable the BLM to use the funds to supplement existing funding for trail construction and maintenance, law enforcement and monitoring, education, protection of resources, and management of OHV high-use areas. Commenters also identified potential sources of additional funds such as oil and gas revenue, donations from OHV manufacturers, and for BLM to apply for state OHV funds or program grants.

### Fees

#### Use of Fees

- Use fees to create OHV areas and trails.
- Maintain OHV routes.
- Protect user and environment.
- Acquire land.
- Create maps.
- Mandatory insurance for anyone participating in OHV activities.
- Restoration fund.
- Law enforcement.

- Rehab of damaged areas not for construction of new trails.
- Education
- Mitigate damage, not just to build more facilities.
- Fees should be levied against ORV users to defray the cost of policing and EIS work.

### Amount of Fee

- Base fee on type of use and the potential for impact (i.e., OHV, hiker, etc.).
- Base fees upon a variety of means, such as daily fees or parking fees at high use areas, or some combination of annual permit system.
- Charge $20, $50-$70 annual fee.
- Fee structure should be based on equipment and users ability to access the resource - handicapped pay less.
- Make it high enough to cover cost of an effective permit system on public lands.

### Fee Waiver/Reduction

- Waiver/reduce license fees for volunteers.

### General Fee Comments

- Provide free access.
- Require bonds to repair damage.
- User fees could imply use the land as you please, instead what about more enforcement.
- Off road tax to maintain the trails.
- Use permits for gaining access to riding areas, even work parties, club sponsored.

## Funding

### Use of Funds

- Increase law enforcement, monitoring, education, and rehabilitation/restoration.
- Provide trail maintenance.
- Redirect funds away from new trail construction and apply the funds to maintain designated routes, restoring environmentally damaged routes and enforcing existing regulations.
- Insure adequate funds for a monitoring plan to limit environmental impacts.
- Cut back or eliminate funding of new road/trail construction.
- Prohibit use in areas that are not funded for monitoring and enforcement.
- More field officers.
- More funding for more personal.
- Redirect money away from new trail construction and toward maintenance of existing trails and the critical need for restoration of damaged areas.

### Sources of Funding

- BLM Budget.
- OHV manufacturers.
- "Recreational Trails Program."
- Oil and gas revenues.
- State.
- Utilize taxes to fund trail maintenance, education, and resource protection.
- Utilize grants.
- Apply for State OHV funds–the money is not being used - only government agencies can apply for the money - use money to install cattle guards, improve stream crossings 10 mile enduro area.
- ORV's allowed only with LE & monitor dollars.
- Divert trail development funds to repair the damage on existing trails.
- Unless properly funded, no suggestion is viable.
- Monitor public and government awareness of needs for funding to preserve and develop.
- OHV manufacturers donate portion of sales for resource/trail maintenance.

## GENERAL DISCUSSIONS

Numerous commenters made some recommendation concerning access. Suggestions ranged from keeping roads and trails open and expanded, as appropriate, to allow more people to use public lands and help disperse recreational use to recommendations banning OHV traffic on public lands or, in some cases, seriously restricting access. More balanced comments suggested access be limited and confined to legal existing trails, official roads, selected or reserved areas, areas of no vegetation.

In addition, it was recommended that BLM prohibit cross-country travel in order to keep OHV activities on designated trails and out of fragile or sensitive areas such as wildlife habitats, streams. It was felt that this will cause minimal environmental impacts and minimal visitor conflicts except for emergency situations.

Another recommendation was to open more areas to OHV use so that impacts are not concentrated. It was felt that dispersed recreation was important. Reduction of OHV use in areas will result in not only in less stress on management and the recreation program but also on resources. It was also felt that dispersing recreationists will also help to minimize conflicts between and within user groups.

Specific OHV vehicles both motorized and nonmotorized were mentioned by commenters for a wide range of access from totally open access to totally restricted. It was recommended that trails or roads be designated a motorized or nonmotorized. Some commenters suggested that BLM prohibit cross-country ORV travel in order to keep OHV activities on designated trails and out of fragile or sensitive areas such as wildlife habitat, streams.

## Access

### General Open

- Do not ban any form of OHV.
- All public land open.
- Maintain OHV access to public lands.
- More OHV areas/trails.
- Where access is legally required, permanent roads showing in place and gated.
- Identify sacrifice areas/open areas.
- Open areas but limited in area and number of vehicles allowed–sacrifice areas.
- Do not identify open areas.
- Limit OHV use to areas that would be costly to rehab.
- Identify OHV use areas near population centers.
- Make sacrifice areas more attractive to encourage use (i.e., Parking lot, porta Pattie, picnic shelter).
- Locate near roads/noise areas, sandy soils and low rainfall areas.
- Restrict OHV use to OHV park/area & close everything else off to OHV use.
- Designate open areas under 20 acres.
- Provide open areas that contain natural objects.
- Limit number of people in use area Limit number of users - first come, first serve.
- Should be less OHV access to public lands.
- Areas of lesser concern should have more freedom for recreational users.
- Open all closed roads or trails.
- No more closures to OHVs.
- No Road Closure (pre-1976 cited).
- Open more trails to ATV use.
- No OHV.
- All existing roads should remain open.
- Ease up on the restrictions and give unrestricted access.
- OHVs on established roads should not be restrained.
- Look at opening old areas that are closed - Relocate trails with existing problems.
- Areas must be provided for cross-country travel.
- Keep existing areas, roads, and trail open to OHV use.
- Prevent the closure of riding areas, keep all existing roads or areas open to OHV use.
- All roads, trails and 2 tracks should remain open as they are until the BLM and local users, environmental groups can meet to discuss.
- Provide abundant and diverse opportunities for OHV use.
- Do not eliminate any established roads or trails.
- Try to improve the OHV experience.
- "Open play areas" only on private property.

### General Closure

- Close all illegal trails.
- Eliminate all off-road travel.
- Ban all OHV traffic from the public lands with the exception of a few major connecting roads.
- No areas should be open to unrestricted use.
- Restrict existing areas.
- Prohibit OHV use in areas where adequate monitoring and enforcement is not possible.
- Close and restore all damaged roads.
- No new roads.
- Closures on immediate area only.
- Explain closure.
- Provide alternate route.
- Close un-maintained roads.
- Restudy closures.
- Close areas with irresponsible use.
- OHV's prohibited on public land.
- Halt all new road construction on public land.
- Close off lesser used roads that go to the same place.
- Limit OHV use to what is currently allowed with no possibility of expansion.
- Eliminate Open areas.
- No new trails should be allowed.
- Confiscate OHV's that are found off road.
- Do not improve access to areas.
- Ban all OHV anywhere on public lands.

### Specific Vehicle Access or Restriction

- Multiple-use single track trails can be used by all types of vehicles, such as mountain bikes, motorcycle horseback riding and hikers.
- Provide adequate motorized access for 4WD.
- All motorized vehicles should be treated the same and all travel on roads not trails.
- Motorized and nonmotorized share trails.
- Catagorize land usage–hikers, bicycles, motorized.
- Motorized & nonmotorized on roads/trails only.
- Designate areas/trails motor vs. nonmotor.
- Separate motorized roads/trails for 4WD, quads, motorcycles.
- Limit any type of race or endurance ride to existing roads.
- Ban horse back riding and hiking from OHV trails–use wilderness.

- Open all hiking trails to OHVs and horses.
- Restrict motorized recreation on lakes, in forests and canyons and mountains.
- Only allow street legal vehicles on public lands.
- Roadless and OHV plans need to consider access for emergency vehicles.
- Alternate the type of trail use temporally to avoid user conflict.
- Concentrate OHV use in certain areas.
- BLM should restrict cross-country travel for anyone but hunters seeking game retrieval.

## Limit use for Resource Protection

- Allow OHV uses only where they are nonimpacting.
- ORV with no environmental impact on roads only.
- Designate "sacrifice" areas for unrestricted OHV use.
- Winter access in areas of minimal adverse impacts.
- Bar unlimited winter access across ecosystems.
- ORV use only in areas where impacts to other resources were assessed.
- Rotating trail closures will allow the habitat to regenerate.

## Closures for Resource Protection/ Safety

- Ban OHV traffic from roadless forests and in small forest of 5,000 acres or less.
- Exclude OHV use from areas of high resource values (that is, riparian, T&E habitat, fragile communities) or where weeds might be a problem.
- Restrict use in areas where water quality and soils could be impacted.
- Designate open riding in areas of low environmental impacts.
- OHV prohibited in watershed areas.
- Restrictions on camping in nondesignated camping areas.
- Seasonal closures.
- Encourage BLM to set up buffer zones around housing/urban areas to reduce fire potential.
- Limit closures to site specific areas.
- Legally prohibit OHVs from environmentally sensitive areas.
- Enact smallest closure possible to protect resources or special habitat.
- Establish threshold of impact in an area. Monitor area. If the threshold is reached, close the area and restore it. Educate users about threshold.
- Use of Historic roads should be strictly limited.
- Areas of special concern - Stricter rules.
- Close & rehab all unauthorized routes.
- Discourage use in narrow canyons for fire protection.
- Prevent OHV users from using areas where there are State or Federal T&E species.
- Stop all traffic in threatened areas.
- Ban all OHVs on public land, especially in areas where environmental damage has occurred.
- Close areas to OHVs when fire hazard is high.
- Return a few valleys to no vehicular travel.
- OHV prohibited in wildlife wintering areas.
- Eliminate OHV activity on public lands adjacent to populate areas.
- Keep OHVs out of popular hiking areas.
- Desert is wasteland, leave us alone.
- Use the Motorcycle Industry Council's (MIC) *Right-Rider* brochure.
- Use seasonal closures for areas that would suffer significant resource damage during periods of high soil moisture, seasonal wildlife needs, etc.
- Prohibit "mudrunning" or "mudscrapping."

## Designated Areas

- Use "limits of acceptable change" to determine OHV designations.
- Travel restricted to designated routes.
- Very restrictive OHV (example 40 open areas).
- Designate areas for dirt bikes.
- Maintain designated routes (condition).
- Designated trail systems for each of the users, maintenance by user groups.
- Consider a National Recreation Area Designation.
- Need areas for high performance "Rock Crawling."
- Make ecological needs the limiting factor when designating roads.
- Designate areas for OHV use (open, closed, limited ).
- Designate areas/roads for specific use (separate use).
- Keep OHVs restricted to designated roads and trails only.
- Designated routes only, close all others.
- Cross country travel prohibited.
- Identify those areas that have been more severely damaged by OHVs from those that are more fragile and scenic. Use this as a designation tool.
- Have areas for heavy OHV use such as play areas. May include areas maintained for such use. (This may be in addition to road designations.)
- Identify open areas for OHV use on the outlining areas of various desert towns. Damage to these areas will be a fraction of what they are due to growth expansion.
- no "open" areas adjacent to private lands.
- Set aside "quite areas," "Quiet Use Coalition" in Chaffee County.

**Zones**

- Zones in each location be set up that allow full unrestricted use of OHV while other zones in each location have volume restricted zones.
- Due to wildlife counts at all time highs; hunting and OHV's should be given consideration for more access.
- designate "open areas" where there are viable partnerships to assist with maintenance and monitoring.

## GENERAL STRATEGY

The majority of commenters suggested that BLM establish a strategy that insures consistent and positive management of OHV recreation. Commenters requested that the strategy be balanced and applied consistently across the BLM through the uniform application of existing regulations, and an inventory process, local public participation in and the development of a management plan.

A large variety of management approaches were suggested. However, many commenters felt that it was important that the strategy was simple-to-implement and easily understood by the average citizen. One commenter gave specific recommendations to establish a classification of trails and routes are encouraged, prohibited and allowed for OHV use. Other commenters suggested using strategies developed by other state and federal agencies. Some commenters indicated that when a trail must be closed a new trail that is at least equivalent in terms of miles and user experience should be construct to offset the closed trail.

Some commenters recommended that BLM create a quality and diverse range of trail experiences to meet the needs of all trail users and provide for a wide range of opportunities. The BLM needs to establish short, twisty, interconnected loops to make the most efficient use of the lands.

Most of the commenters favored some type of access policy. These policies ranged from either open unless posted close or close unless posted open. Also recommended was that BLM establish a strategy that develops a comprehensive recreational road and trail system that works to disperse recreation on public lands while being protective of the environment.

In addition, some commenters requested that BLM open more areas to OHV use so impacts are not concentrated. Dispersed recreation is important. Reduction of OHV use in areas will result in not only in less stress on management and recreation but also on resources. Dispersing recreational use will also help to minimize conflicts between and within user groups.

**Management Approaches**

- Establish a balanced management approach to OHV use.
- Establish classification of trail or routes Encouraged, Prohibited and Allowed.
- Provide balance of recreational opportunities avoid user conflicts.
- Develop a simple-to-implement and understand strategy that is clear to the average citizen.
- Increase nonmotorized use area proportionally to the large nonmotorized user groups.
- Adopt a management strategy which would prioritize public uses.
- Develop a coherent strategy or policies that substantially reduces land abuse and degradation.
- Give "Recreation 2000" a chance.
- Establish a policy where recreational opportunities are available to all types of user groups.
- Multiple use is a viable form of management of the public lands (see National Outdoor Recreational Act of 1963).
- Use areas should be proportional to the number of users both in size and type of facility.
- Develop a use policy with the greatest freedom policy.
- Eliminate top-down and one-size-fits-all management policies.
- Consistent guidelines for all offices.
- Any use of public lands necessitates a degree of OHV accessibility.
- Access could be altered based on quantifible facts.
- Consider dividing land use equally among all OHV users based upon density and what the terrain will support.
- Insure positive management by treating people with respect.
- Multiple use concept and closure of areas inconsistent.
- Allow access in inverse proportion to the degree of impact.
- Set aside about 1/4 of BLM land for OHV use.
- Current limited-use and open areas are working well--maintain this existing use management.

- 10% closed to motorized vehicles, 15% closed due to resource extraction activities, 50% open to street-legal vehicles on existing roads, 15% open to street legal vehicles on designated roads. 10% ATV and dirt bike recreation areas.
- Not asking for a ban just reasonable restrictions.
- Classify types of trails or areas by OHV user type (for safety) and between OHV use and nonmotorized uses. Un- include designating different areas for different groups.
- Establish a "Rails to Trails" program.
- Leave OHV oversight to local BLM office.
- Areas managed according to usage.
- Operate OHV areas similar to ski areas.
- Cross country travel permitted.
- Open more OHV areas.
- Only allow ORV use in already degraded areas, (this probably applies to ORV play areas).
- The BLM must develop a standards-based policy that gives specific direction on how OHVs usage should be managed to protect resources and eliminate user conflicts.
- Develop a strong strategy where trails are clearly designated that cause minimal impacts on the environment.
- Revise, clarify and coordinate OHV use regulations so as to reduce environmental destruction and degradation of public lands, as well as to protect private property owners and to provide meaningful enforcement of the regulations.
- OHV and recreationists should take back seat to sustainable renewable resource users.
- Re-inject man back into the Ecosystems management.
- Management decisions made on best available science.
- Each group of people (environmentalists, industry, etc.) each want to view the public lands as their private domain.
- There should be a buffer zone around the OHV area whether it is private or public land.
- Establish "seasons" for different users to use the same area - similar to hunting; gun vs. bow.
- Road/ motorized trail density must compliment the highest use of each BLM area, not every use to which it might conceivably be subjected.
- BLM should not group all OHV users together. Their needs are different. As an example, a 4WD may be used for access to an area to go birding.
- Don't single out OHV users... All users (such as hikers and mountain bikers) cause impacts–monitor all!
- Address each of the different types of OHV.
- Policy should include a reclamation component.
- National guideline should direct public involvement in restoration and maintenance.
- Centralized guidelines but local decision-making and resolution.
- Policy should insure standardization in terminology, travel map coding, and on-the-ground signing.
- Strategy should set guidelines for how best to protect resources rather than set priorities for access and then fit resource protection into those priorities.
- (from Motorcycle Industry Council) Guidelines should 1st prevent any additional resource damage, and 2nd, protect moderately impacted areas from further degradation.
- No further trail development until existing managed well.
- Policy should address all motorized transportation.
- Review "Recreation 2000."
- Manage for all types of use.
- BLM needs more people with the expertise to oversee OHV uses & BLM needs to fund these people.
- OHV beneficial to all users, do not pit users against each other.
- Rapid population growth.
- National Strategy vs. local strategy.

## Other Agency Approaches

- Consider using the process being currently used by the Forest Service.
- Use examples of success areas, such as Blackrock Ranger District in Sequoia NF.
- Consider using the guidance in Sonoran Desert Conservation Plan.
- Designate specific areas within BLM districts that are for OHV use only and are unregulated. However, all OHV use from the remainder of the public lands is banned and strictly enforced. This policy was successfully employed by Tennessee Valley Authority.
- Utilize Recreational Trails Program (RTP).
- Use Rails to Trails program.
- Canada does a great job of enforced trial permits –look into their program.
- Adopt the Montana state land model as national policy.
- Need consistency with FS for public to understand.
- The FS should follow your lead.
- Train agency personnel about OHV use.
- Provide guidance on the definition of OHV.
- OHV Strategy to include snowmobiles.
- Government can not discriminate against OHV use for transportation. It is a legal right not a matter of opinion.
- Initiate and implement Capacity Studies.

## Comment Period

- Extend comment period for National Strategy.
- Require 18 months for a comment period for National Strategy.
- Rural people not on the net but lots of our public lands in their areas. 90 days instead of 30 days review.

## No Net Trail Loss

- Construct new trail for each reclaimed trail.

- If close one area/trail, then open another area/trail.
- Moratorium on all new easements - unless user restores an existing easement? No net Loss.
- Status Quo–Keep existing roads/areas open to use / add no new roads/areas.

## Trail Experiences

- Create large open and cross country travel areas such as sand dunes and draws for young and novice users.
- Consider loops trails instead of dead-end routes.
- Establish 2- or more-day trails such as the Pacific crest trail for OHV rather than 4 or 5 mile loops. Long loops and point-to-point rides (including multi-day rides) are required for users seeking solitude, rejuvenation and challenges.
- "Share the Trails" information should be posted at every trailhead.
- Limit no more than 50% of single-track trails to nonmotorized access.
- ORV in slick rock & sand - No restrictions.
- Permit OHV competitions on trails and routes designated for public use.
- Prohibit "mudrunning" or "mudscrapping."
- Use model of areas where regulation are working.

## Access Policies

- Adopt a "closed unless posted open or" policy which allows ORV use only on roads and trails designated and posted as "open."
- Establish a policy that assumes that a road is open unless marked closed.
- Limit access or confine OHV use to designated areas, legally existing trails, official roads, or in selected or reserved areas, such as areas of no vegetation except for emergency situations.
- Limit OHVs to existing roads and trails that have already been established or currently exist.
- Limit OHV uses to major roads only.
- Open, limited or closed designations for BLM lands - designations in areas only where the agency has shown no adverse impacts will occur.
- Open only areas which have no significant resources that need protecting thus these areas will be able to handle a large concentration of visitors.
- Permit OHV use on established routes, roads and trails or corridors open to travel. Specifically in areas designated as an "open area" for competition and play.
- Establish minimum standards to identify areas to be "open" to OHV use based on the concerns outlined in the mailer. Areas should be designated open to OHV use only a rigorous demonstration that the area is capable of bearing the long-term effect of OHV activity with no degradation of the resources.
- Establish a strategy that does not restrict OHV use or access by maintaining all existing roads open, in particular, those that are in wilderness study areas, national monuments or national conservation areas.
- Give priority to environmental, ecological and cultural values over OHV use.
- Use a "public land access allocation model" to apply "One's share of the space is inversely proportional to the invasiveness their activity."
- Areas open should be evaluated for the appropriateness of the ORV activities.
- Guidelines should be established which set limits on how many ORVs emissions can pollute the environment.
- Strongly urge BLM to close all unauthorized roads and those that BLM is unable to monitor.

## Pressure

- Designated more OHV parks/areas - to reduce pressure elsewhere.
- Closing roads will only concentrate the impact to other resources.
- Rotate the use of a trail to reduce impacts to other resources.
- Dispersed use should be encouraged instead of concentrated use.
- Rotate closures due to damage.
- If designated areas are too small the impacts could be too serve (war zone).
- Maintain dispersed recreation.
- Rest/Rotation of roads/trails/areas.
- Designate open routes only after impacts are determined not adverse.
- Implement seasonal closures where necessary for resource protection and stager or rotate areas open to OHVs to help with rehabilitation.
- Give our present OHV areas a rest and develop new areas.
- Disperse recreational uses as much as possible, managers should direct non-OHV users to more appropriate areas.

## Specific Strategies

- Develop in each area a recreation infrastructure to serve the user base and to protect the resources.
- Specific strategy for at-risk trail/road evaluations for closure.
- Prohibit OHV races on public lands unless proponents can demonstrate that it will not cause resource damage.
- Establish a maintenance schedule for OHV areas.
- Prohibit use during high fire danger periods.
- Close and rehabilitate unauthorized trails.
- Have "no OHV use" buffers around communities.
- Require trails only in 1st 5 miles from staging areas to increase safety.
- "A sustainable ORV policy that protects fragile lands."
- Protect remaining natural and nonmotorized areas.
- Halt on-going resource damage.
- Rehab critical areas where damage already significant.

- No additional restrictions on OHV use for business purposes, i.e., mineral exploration, ranching activities, etc.
- Restrict to street-legal only in sensitive areas.
- Ban mass OHV gatherings like "Jeep Week."
- Road density to 1 mi./sq.mi.
- "...with increased usage of the public lands there should be a more concerted effort made to determine how to accommodate more users while reining in those who do not play by the rules."
- "I can't believe you can set policy in Washington, D.C. and expect it solve anything in Jordan Valley, Oregon."
- "Protect the land for the public, not from the public."

## INVENTORY AND MONITORING

Commenters recommended that BLM establish a strategy that provides for the collection of base-line data through an inventory and monitoring program. Some of the commenters suggested that BLM inventory all roads and trails on the public lands to gain a good understanding of the current OHV use patterns. It was also recommended that BLM establish a monitoring program to both observe and monitor OHV activities and to identify any potential problem areas. Both an inventorying and monitoring program will enable BLM to

identify general trends in the use of OHVs on public lands, determine actual environmental impacts and provide information for future management actions and planning.

### What to Inventory

- Inventory areas of high OHV use to determine affects on resources (i.e., T&E species).
- Inventory all roads in each field office.
- Inventorycurrent recreation resources and identify current and future needs.
- Inventory and map roads and prioritize roads to be kept open.
- BLM lands should be inventoried, mapped, designated and appropriately signed either as open, limited access or closed to ORV (OHV) traffic.
- Keep current inventory of roads and trails.
- Complete inventory of recreational travel routes and a good understanding of use patterns.
- Not just the resources and trails, but who the users are too. Know who your primary users are.
- Geta snap shot of current on the ground situation of current OHV use in your area, regardless whether the use conforms to current land use plans.

### Method of Inventory

- Maintain up to date aerial photos to determine historic roads from new roads being created.
- Require a more rigorous evaluation of all future OHV use.
- Require visitor log/register.
- Use satellite photography to monitor the development of unauthorized trails
- Work with OHV groups to assist BLM with route baseline inventory.
- Use volunteers to assist with mapping, signage, inventories and installing of fences and gates.

### Plans

- Establish and implement monitoring plans to document level of degradation - and take appropriate action.
- Evaluate all existing OHV use within 3 years.
- Develop monitoring plan that identifies the specific issues and factors to be monitored within 2 years.
- Establish a strategy which provides for the collection of base-line data and inventories. As part of the inventory process general trends in the use of OHVs on public lands should be reported for future planning.

### Monitoring

- Monitor resources, not activity.
- Monitor impacts on trails open to OHV, if impacts unacceptable mitigation could include, closure, fencing, permit system.
- Consider aerial surveillance for monitoring areas.
- If they (OHV users) monitored themselves, the government would never be stepping in and closing areas.
- share baseline and monitoring information with users to better educate and inform them of the results of their use and management practices.

## LAW ENFORCEMENT

A vast number of commenters recommended that BLM invest more time and resources in law enforcement. Commenters suggested that BLM hire additional personnel in order to monitor and patrol the public lands more effectively. Strong enforcement of all applicable laws, regulations, rules and controls on designated routes and trail is needed. This will help to minimize impacts to the environment and to prevent illegal intrusion of restricted areas. Commenters felt that adequate law enforcement would prevent the creation of new roads and insure the proper use of OHVs. The strengthening of penalties and fines were a major component to prevent resource damage.

### Increase Law Enforcement

- Offer rewards for arrest of violators.
- The BLM has insufficient personnel to enforce any restrictions.
- Hire more personnel and monitoring for resource protection.
- The lack of an adequate number of BLM rangers sufficient to cover the immense area results in enforcement problems or degradation of the environment.
- BLM ignoring existing law controlling ORVs.
- Get OHV users to sponsor areas and regulate themselves.
- Establish a ratio of enforcement resources to the enforcement task at hand.
- Give grazing operator the right to police and oversee resource concerns.
- Have counties take care of OHV problems.
- Develop enforcement plans within 2 years.

### Penalties and Fines

- Current citations are not stringent enough. The nonaccountability of the of the OHV users and the difficulty of enforcement renders the regulations meaningless.
- Establish more serious penalties for violations (i.e., fines, community service, vehicle confiscation, ban from public lands).
- Publicize cases of enforcement.
- Fines should range from $500-$5,000.
- Establish penalty based on real impact of activity - hikers lowest fees, OHV highest fees.
- Post information about penalties at trail heads.
- Enforce existing laws/regulations, punish lawbreakers, triple fines, confiscate vehicles.
- Consider vehicle confiscation in extreme cases.
- Require violators to repair damage.
- Increase fines to substantially higher limits.

### Consider Modifying Existing Laws

- Have reasonable OHV rules.
- Enforce existing laws.
- Make laws/regulations available and clear to understand - simple English.
- Regulate speed and noise limits.
- Establish strong enforcement of all applicable laws, regulations, rules and controls on designated to cause minimal impacts to the environment, to prevent illegal intrusion of restricted areas (eliminate trespass). For areas that are proposed for wilderness protection. Strict law enforcement with proper signing should alleviate much of the problems associated with OHV use.
- Establish a process to initial notify violator of infractions by sending initially educational materials, if the individual continues to violate rules or regulations it should be followed by warning or strong enforcement actions for continued violations.
- Prohibit ORV use unless adequate monitoring and enforcement of the use and impacts associated with the vehicles or activities are fully funded and implemented.
- Don't close areas that can not be enforced.
- Work with the States to take away licenses of those who violate the rules.
- The age of riders of OHVs should be whatever the State's legal driver age.

### Method of Patrol

- Use ATVs for ranger patrol.
- Establish a motorcycle mounted patrols on public lands to catch violators.
- Increase BLM staff to "ride the range" most folks do not know BLM.
- Weekend patrols by law enforcement would be valuable.
- Use cameras in problem areas to monitor violations.
- Agency personnel back in the field. Visible in places they manage.
- Law enforcement officers should ride the vehicle the users are using, not the front seat of a truck.
- All OHV's should have an ID plate that can be seen from a distance (on the rear).
- Use neighborhood watch concept for protection of sensitive areas.
- Use helicopter patrols.
- Provide 1-800 phone numbers for citizens to report crimes.
- Letting OHV users police themselves is ludicrous and has resulted in damaging the environment.
- Use part time or retired Law Enforcement personal.
- "In 3 years of using trail systems for Jeeping, I have NEVER seen a Ranger of any sort on the trails."
- "Signs, fences and gates don't do much good unless you put Rangers in place to enforce the rules."
- Improve the judicial arm of law enforcement. Courts need to support law enforcement.
- Have a toll free number to report violators.

## PUBLIC PARTICIPATION

The majority of commenters recommended that BLM establish a cooperative or collaborative working relationship or partnership with all interested local communities, tribes, agencies and special interest groups. There were numerous specific ways to enter into partnerships such as working directly with OHV clubs or associations, cooperative management agreements, and task forces or committees were suggested. Commenters felt that it was very important for BLM to instill a sense of ownership and pride in the responsible use and management of the public lands. Partnerships represented a way to

help BLM in monitoring, inventorying, mitigation of impacts, enforcing responsible OHV use, as well as repairing damaged areas, or maintaining existing facilities and roads.

Another important aspect of partnership was coordination with other agencies. It was suggested that BLM would with other federal, state and local agencies to develop safety programs, provide for consistent regulations and develop joint ecosystem management plans.

Improved communication with the public was also suggested. BLM should not only provide information to the public but also establish methods to receive feedback.

### Ways of Entering into Partnerships

- Establish committees to work with OHV clubs in all areas.
- Enter into cooperative management agreements with users.
- Establish "citizens review board" selected by the people to make OHV management decisions.
- Form a task group composed of OHV experienced people from the CA Desert District BLM Office and Advisory Board.
- Establish Advisory Groups, "of Friends" groups or Steering Committees. There should be groups on the national level and in areas of high concentration of visitors.
- Develop travel plan committees.
- Use public hearings and meetings, regional oversight groups, steering committees, local review boards.
- User groups provide time and labor, a first step in public awareness.
- Work with local communities.
- Work with clubs, associations (OHVer's, hikers, horsemen, bicyclists, RVer's).
- Contact manufacturers regarding advertisements of illegal driving to promote sales.

### Ways to Encourage Partnerships

- Sponsor a lunch - feed them and they will come.
- Multiple use advisory councils should be reestablished.

### Use of Partnerships

#### Maintenance

- Maintenance of areas should be done jointly with volunteer groups such as "Friends of Jawbone," "Friends of El Mirage," and "Imperial Sand Dunes Patrol."
- Use trail rides to clean up areas.
- Use OHV groups to help with maintenance of trails.
- Handle trail maintenance by allowing OHV. users to create or modify existing trails.
- Use "poker runs" to raise money for trail repair.
- Harvest noxious weeds.
- Seek and use volunteer help across the board help with mapping and monitoring uses.
- Establish "Volunteer Days" for trail maintenance.

#### Enforcement

- Use volunteers to turn in license plate of offenders.
- Provide 1-800 number to report violations (require license & registration).
- Establish Web page or E-mail hotlines.
- Equip volunteers with communication device.
- Offer rewards for information.
- Vast source of retired people that would volunteer their time to patrol public lands.
- Have ATV clubs to report violations of rules to BLM.
- Enforce rules and regulation through self policing and peer pressure.
- Use user groups to help preserve areas - could help as "eyes and ears."
- Establish a reward system where video tapes or photos of violators will lead to enforcement actions.
- Give training to noncommissioned BLM people so they can issue violation notices like the NPS does.
- Have easier public reporting of violations.

#### Education

- Partner more with visitors in programs such as "Tread Lightly," safety clinics.
- Publicize information using TV, news and/or radio spots.
- Understand user expectations, both OHV and other public land visitors.
- If you could combine education with real examples and "public decision making" maybe it would work?

#### Resource Protection

- Allow local clubs to act as stewards for certain areas that would be of interest to them.
- Look to the users for ideas on how best to balance resource use.

#### Programs

- Establish an Adopt-a-Trail program specifically for users, environmentalist and manufacturers.
- "Revitalize Take Pride in America program. Recruit and reward volunteers for public lands.
- Take advantage of education provided by the National Off Highway Conservation Council.

## Potential Partners

- OHV manufacturers.
- Work with both for and nonprofit groups or organizations make it "our" projects not the BLM's project.
- User groups as well as state and local agencies to educate users.
- Allow local clubs to act as stewards for certain areas that would be of interest to them.
- Involvement by the RAC or other boards based on their advisory role.
- OHV clubs manage areas, only responsible clubs allowed access.
- To avoid bias, don't use special interest volunteers to perform roads/trails inventory.- work with the "Seeking Common Ground" participants.
- Strive to get in touch with local OHV organizations, contact regional and national groups.
- Cooperative agreement between judges and BLM could aid in securing youth offenders and other lawbreakers that could do a scaled down version of the old WPA projects.
- A much broader spectrum of the public needs to be involved in BLM western land use decisions.

## Coordination with Other Agencies

- Work with state and local agencies to develop safety program, provide consistent regulations, develop ecosystem plan.
- Work with private land owners and other agencies when posting rules at trail heads.
- Closely coordinate with State agencies for game removal requirements.
- Do not establish wilderness areas near communities. Instead manage public lands near communities for intensive use with the assistance of local governments.
- Return control to local and state governments that are better able to manage OHVs
- Work with manufacturers/advertisers – some advertisements show irresponsible/wild/extreme OHV use; "manufacturers could promote a more responsible portrait of what is cool."
- Negotiate with Outdoor Life Network to eliminate adventure/extreme dirt biking programs on TV.

## Ways of Receiving Feedback/Input

### Traditional Tools

- Use scientific polling as a tool for gauging true public opinion.
- Make sure public process is open to more than just locals or special interest groups.
- Explain problem and ask users and public for solutions. Provide workable alternatives.
- Develop mailers to keep OHV community knowledgeable and informed.
- Write project notices and environmental analyses in plain language.
- Conduct surveys to obtain feedback.
- Broadcast planning meetings on public television.
- Provide suggestion box at site entrance, trail heads
- Use catchy advertizement campaigns.
- Public service announcements.

### Web Pages

- Develop good informational webpage.
- Use web pages for public input.
- Establish a web page with current times, data and information, provide updates via e-mail messages.
- Commercial users of BLM land could educate through the internet on web pages.
- Provide a macro-view of the road and trail inventory since many trails cross jurisdictional boundaries.
- Provide opportunity for public comment at offices & internet before closures.
- Use internet sites to increase outreach efforts using 4WD clubs, etc.
- Use internet site to increase public participation on issues particularly at the local level.

## Ways of Providing Information

- Better communication, BLM needs clear specific language on where to go and where not to go.
- More information needs to be made available as to times and dates of public decision making.
- Prepare maps or list OHV designations for each State. In addition, provide to the public for each state with information on OHV closure based on new travel management plans, increased law enforcement or where problems have been identified. Clearly, designate and sign routes in any desert nonopen areas.
- Issue annual reports of monitoring to the public.
- Provide press releases to inform public of location of closure, reason for it, and duration or involving On-Line (internet) Magazines to develop solutions to issues or problems.
- Notify public of proposed closures.
- Establish a phone number where a caller can get current conditions within an area.
- Promote OHV use ads and show what is lost by irresponsible drivers.
- Publicize through news media the damage caused by OHVs Programs.
- Use questionnaires to determine how your OHV program is working.
- Use professional mediation, "Both sides assist in the decision or agencies will make the call."
- share baseline and monitoring information with users to better educate and inform them of the results of their use and management practices.

- Evening meetings on problems in special areas could be held for user groups.
- Don't put too many barriers in the way of public participation.

### Management Tool

- Planning through public participation along with education, and setting aside areas for OHV use, would certainly have greater value and enhance public relations better than the use of law enforcement.

## PROGRAM MANAGEMENT

Several commenters felt that BLM needed to define the various types of OHV vehicles and the associated recreational activities. In addition, they requested that the different types of roads and trails be defined. Another major comment was for BLM and OHV users respect valid existing rights of private and tribal land owners.

### Definitions

- Redefine the definitions for the various types of OHV recreation and the vehicles involved.
- Define "roads" and "trails."
- Define"Disabled" when allowing exception to closures.
- The term Cross-country travel is no longer appropriate.
- Clear up a lotof conflict by better defining some of the terminology in the regulations.
- OHV and ORV should be clearly defined.
- Clearly define "user conflict" to guide management.
- Clear definitions needed for all types of OHV uses.

### RS 2477 and Executive Orders

- Reform RS2477.
- RS2477 assertions (rights) must be recognized.
- Ignore RS2477.
- Follow Executive Order
- Roads should remain open if there is a legal question based on RS2477, subsistence rights or easements.
- RS 2477 is a binding legal supported by administrative and legal rulings.
- Reorganize RS2477 rights of way.

### American Indian and Alaska Natives

- Issues with Native American tribes should be dealt with via a consensus process between the tribal council or its equivalent with BLM.
- Honor sovereign rights of native people but should still include OHV restrictions on their use.
- Native and rural Alaskan rights are red herring.
- Honor treaties with Native American people.
- Native American Rights need to be respected and access be accommodate.
- Protect Native American treaty rights to hunt and gather for personal or tribal use.
- Native American right to do whatever they want.
- Provide access for Tribal rights and Native American Claims.

### Private Lands

- Provide legal public access to private lands, claims or other legal destination. These areas should remain open unless they cause significant damage to natural resources and wilderness values.
- Property and valid existing rights need to be respected.
- Honor all existing ROWs, easements, treaties.
- Provide for public comment before eliminating existing ROWs.
- Pursue ORV planning without regard to legal claims.
- Insure no existing claims or property rights are impacted.
- If ROWs are a property right consider possible purchase of the ROW.
- Allow use while an issue is in litigation.
- Legal issues established by local, multi-interest committee.
- Allow ranchers to use OHV's in their daily operation.
- Offer rewards for arrest of violators.
- The BLM has insufficient personnel to enforce any restrictions.
- Keep grazing fees low to provide access. Lease holders need to cooperate, no access no easement, no lease.
- When land management plans conflict with valid existing rights, the plan must be amended.

## PERMITS, LICENSING, AND REGISTRATION

Some commenters suggested that BLM implement a permit or licensing system, perhaps similar to the "Green Sticker" program or a National Permitting System. Various different types of permits were suggested. Permits could be used for access to sensitive sites, over used and back country areas. The permitting process could also be used for education and safety training of the OHV users and enforcing laws and regulations. Several commenters recommended

that permit applicants be required to pass an exam as well as have their vehicles inspected prior to using the public lands.

Many commenters recommended that some form of license plate or sticker be placed on the vehicle. A sizable numbered metal place would help identify violators. This will provide useable information for the public to help identify violators and notify BLM as to identity of riders. This will also assist in the identification of vehicles that are not registered.

An important aspect in the permitting system would be the establishment of better coordination among local and state agencies. Many commenters felt that BLM should coordinate with local sheriff and state motor vehicle departments in developing a certification, registration or new identification permit for OHV riders or vehicles.

### When a Permit is Required

- Establish a permit for OHV access to a) public land, b) sensitive sites, c) over used areas, and/or d) back country use.
- Require all users to obtain permit (mountain bikers, equestrians, hikers, snowmobilers).
- Establish a certification requirement for juvenile riders which includes safety training .
- License both motorized and nonmotorized vehicles.
- Establish a BLM sticker or license plate for users to place on the OHV.
- Lottery process for permits.
- Use of green sticker dollars in appropriate places.
- The green sticker concept used in California does not work unless one is in the immediate proximity of a halted vehicle.
- Use permits for exceptions to closures (game retrieval, livestock management, etc.
- For all high impact OHV use require permit for all OHV use at fee and with "proof of training tied to its issuance.
- Agencies to provide training to public on resource protection before OHV Users can become licensed.
- Free Use permit issued by the Field Office after OHV users have completed environmental sensitivity training.
- Large license plates attached to each OHV to quickly identify law breakers.

### Duration of Permit

- Renew permits on an annual basis.
- Affordable permits issued yearly.

### Education

- Create an education and exam program to educate about regulations, Tread Lightly, etc.
- Require OHV users to take courses on operation of vehicle, and proper etiquette.
- BLM should sponsor training to all OHV users of public lands.
- Require educators to complete instructor certification process.
- License OHV drivers based on a test on responsible use.
- Require an education certificate.

### Registration/License Fees

- Sales of ATV's to support Federal tax base.
- Proceeds from licensing should go toward paying for signs, public education and maintenance.

### Vehicle Inspection, Restrictions or Design

- Require vehicle inspection (noise and emission standards, safety equipment).
- Establish limits on weight and horsepower.
- Enforce restriction on the weight of the vehicles.
- Require 1500 lb GVWR or ground pressure less than 5 psi certified by a registered professional engineer.
- Require vehicle standards for tailpipe and noise standards.
- Enforce EPA emission standards.
- Require Spark Arresters.
- Require GPS units on all OHVs.
- Require fire extinguishers.
- Exclude 2-cycle engine OHVs
- Require vehicles to be washed prior to use on public land to reduce spread of noxious weeds.
- Require vehicles to be street legal.
- Restrict tire size and horsepower of vehicle to reduce impacts.
- Use California-type emissions laws to help control noise and exhaust..
- Spark arrester on all OHVs.
- Design ideas--spark arresters and where different types of motorized vehicles should ride and type of terrain.
- Safety-If evacuation is necessary, they should pay for it.

### Fees

- State fees for OHV registration of vehicles should be available for trail maintenance.
- Require a fee for permit.
- Waiver or reduced license fees for volunteers.
- Use money to educate, provide resource protection, OHV management, and maintain area/trails.

### Age Limit

- Enforce age limit for OHV use.

### Insurance

- Require liability insurance.
- Require proof of insurance.

### Law Enforcement

- Require a sizable numbered metal plate such as a license plate for street vehicles to identify violators. This will provide useable information for the public to identify violators and notify BLM rangers as well as identify vehicles that are not registered.
- Maintain database for all users to assist in law enforcement.
- Fine the individual or evoke the permit for violations.
- Prohibit servicing of vehicles on public lands.

### Coordination with Agencies

- Establish better coordination among local and state agencies since any certification, registration or new identification for OHV riders or vehicles would involve departments such as the sheriff's and state motor vehicle.
- Implement a licensing program in conjunction with other federal land management agencies similar to that used for water craft for the use of motorized vehicles on federal lands.
- Seek State legislation to require stickers and licenses.

### Operation of System

- Establish a National Permit System for OHV use.
- Establish a permit lottery system.
- Register OHV's with the State Parks Division.
- Start a permit system similar to California's "Green Sticker" program.
- Enforce law on loud sound levels.
- Issue permits to enter sensitive areas.
- Consider mandatory OHV licensing jointly with USFS like some states are doing now with jet skis.
- Require dealers to teach "responsible use" before can sell OHV to purchase.

## SIGNS, MAPS, AND BROCHURES

Many of the commenters indicated that they would like more information about their public lands, including improved signs, maps, trail and boundary markers. It was recommended that more information is needed or needs to be made available to OHV users on the status or condition of routes and trails. Several commenters suggested establishing a web page with current times, data and information.

Commenters requested that BLM provide clear and more useable maps and easy to understand signs with clear directions to keep OHV users on the correct trail, during the appropriate season and where conditions permit. Other commenters requested BLM to prepare maps or list OHV designations for each State. Overall the commenters wanted clearly designated areas to better inform the public. Roads and trails need to be designated and posted, showing the types of uses that are allowed, as well as those that are not allowed. It was felt that this on-the-ground information will help educate OHV users and reduce conflicts.

### Signs

- Clearly mark the trails.
- Post regulations, mark bounderies of OHV areas, sensitive areas, importance of conservation, area and road closures, clearly marked trail heads.
- Provide adequate signage and clearly mark areas.
- Rate trail difficulty and post signs for level of difficulty and type of use.
- Provide visible signs - consider height.
- More signs.
- Insure proper management by signing all OHV areas.
- More trail markings, (color coded, i.e., cross country skiing).
- "Weed" signs.
- Boundary signs at designated open areas.
- Install more and better signs to show designations and warn OHV users of other users (i.e., hikers).
- Better signing near civilization, send out land user guide with all permits.
- Provide clear better maps and easy to understand signs with clear directions to keep the users on the correct trail during the right time of the year where use conditions were implemented.
- Permit OHV's use only on signed county and BLM roads.
- ID trails based on types of use as well as degree of difficulty.
- Weather proof signs to identify fines, notification of restrictions, open areas.
- Adequate, understandable and bullet proof signs are essential.
- Clearly identify management authorities.
- Posted speeds to improve safety on trails.
- "Open areas" should have clearly marked boundaries.
- Signs, signs, signs and maps, maps, maps.

### Maps and Information

- More maps & brochures of OHV areas, roads/trails, parking, and restricted areas.
- Trailhead information.
- Provide information on rules, regulations & penalties.
- Provide information on level of trail difficulty.
- Provide information on reporting crimes.

- More visitor registers.
- Provide clear/understandable information.
- Map and sign existing routes, show closures.
- Maps that can be downloaded.
- Start a GIS data base showing the trails open and closed.
- Color coded maps for different uses would help.
- Insure users help in the development of maps.
- Develop good maps for public to use.
- Clearly identify landownership and management authorities.
- Consider "information kiosks" on the Internet.
- Signs and maps help people lower impacts in areas of concern.
- Use volunteer riders to GPS trails for maps.
- Provide high quality maps and trail signs.

## SPECIAL AREA DESIGNATIONS

Although special area designations are not directly related to the OHV management strategy, many commenters expressed strong views regarding OHV use in Wilderness Areas, National Monuments, and National Conservation Areas.

- No more wilderness.
- Prohibit ORV use in legislatively or administratively proposed wilderness areas, inventoried roadless areas, WA/WSA/NCA/NM, above the tree line and National Forest.
- Cherry-stem all roads in wilderness expansion.
- More Wilderness, WSAs.
- No wilderness designation in roaded areas.
- Allow OHVs in wilderness areas, wilderness study areas, national conservation areas, and national monuments.
- No more National Monuments.
- WSA designation time limit, then re-evaluate.
- Establish a strategy that does not restrict OHV use or access by maintaining all existing roads open, in particular, those that are in wilderness study areas, national monuments or national conservation areas.
- Do not allow OHV use in wilderness areas, WSAs, national monuments, and NCAs except for paved or maintained roads.

## OTHER COMMENTS

There were several areas which commenters recommended specific strategies or concerns. These included suggestions that BLM provide access to public lands for individuals who are senior citizens, people with disabilities or who otherwise would be precluded. Some commenters requested BLM establish a policy to allow ORVs for game retrieval on public lands. Other suggestions included access to mining claims, use of helmets, establishment of private OHV parks, and liability issues.

### Access for Senior Citizens or Disabled

- Insure that handicapped have access to public land through maintaining trails that can be used by electric carts to allow wildlife and scenic viewing.
- Prevent discrimination based on age or disability.
- Provide access to public lands for people with disabilities.
- Maintain access for the elderly.
- American Disability Act requirement for access to handicapped.
- Insure access for the handicapped.
- Keep existing areas/roads/trails open–Seniors/ADA
- We feel strongly that our desire for access (disabled child), not further degrade and erode BLM's ecosystems.
- The disabled community, consistent with the environmentally ethical conscience of the population at large, would not want to see the natural landscape further developed just to provide themselves with easier access.
- Access is important for the elderly, disabled and all citizens.
- Individuals with disabilities may express a personal preference for motorized access or non motorized wilderness management, this is an individual choice and there is no consensus among disabled people that unrestricted motorized access to public lands is an action agenda for the disabled people.

### Game Retrieval

- Establish a policy to allow ORVs for game retrieval on public lands but stipulate that when retrieving the game there must not be any weapons on the ORV or on the person(s) on the ORV.
- Restrict OHVs to existing roads and trails except for retrieving "game."
- Allow game retrieval on ATVs.
- Do not allow off-road game retrieval.
- Prohibit game retrieval.
- Permit off road travel to retrieve game.

### Vehicles

- Prohibit personal water craft and snowmobiles.
- Snowmobiles - more open areas.
- Ban specific vehicles from all trails, such as "Hummers."
- Mountain bikes should not be considered an OHV, use on nonmotorized trails should be allowed, if safe.
- Vehicle limits in areas.

### User Group Interactions

- Avoid conflicts between OHVs and hiking, horseback riding, backpacking and nature watching.

- Multi-use and safety—refrain from designating motorized and nonmotorized on same trail.
- Greater impact to the environment from motorized as opposed to nonmotorized (vise- versa).
- Hikers and bikers should have a network of single track trails that are separate form OHV.
- User conflict are blown way out of proportion by environmentalists.
- Uniform policy that gives specific direction on how OHVs should be managed to protect and eliminate user conflicts.
- Fair share and equal time policy.
- Nonmotorized recreationists should use the millions of acres of Wilderness and Parks that are already closed to OHV.

## Economics

- If the dunes or other areas are forced to close, a major monetary deficit will occur in California.
- Follow the money-trail, find big corporations.
- Closures will hurt small businesses and the economy.

## Miscellaneous

- Require OHV users sign in prior to using an area and sign out upon leaving.
- Require OHVer's read and sign "use guides" prior to using public land.
- OHV displaces more traditional users such as hikers, horseback riders.
- Access to mining.
- Open old logging, mining roads for use.
- Do not allow user created roads & trails to be used without BLM prior approval.
- No commercial recreation on public land.
- Use private/public aircraft for monitoring.
- Restroom trailers, not structures.
- Encourage private sector to make available OHV parks.
- Ban OHV use on public lands.
- Establish private OHV parks.
- Encourage private land to be use for ORV activity. Manufacturers should purchase, develop, and maintain OHV areas scattered across the country.
- OHV and recreationists should take back seat to sustainable renewable resource users.
- Will BLM mangers incur liability problems because of increased OHV use?
- Have OHV users sign liability waivers.
- Border Patrol may not be subject to the same laws–educate them.
- In less remote areas a guidebook or registry would be valuable to build a data base of users.
- Too many people to satisfy recreational uses.
- Ranchers should be forbidden from herding livestock with motorized vehicles.

- BLM should come up with several crews for maintenance and management of lands.
- Require helmets and eye protection for all 2, 3, 4 wheel (including bicycles).
- Require more weight to normal recreationist's comments and ideas instead of folding up to demands of Southern Utah Wilderness Alliance, (SUWA,) Earth First!, Sierra Club, and their lawyers.
- Develop a clear understanding of user expectations, both for OHV users and other public land visitors.
- Study the publication "Reviving Nevada's Rural Economic", April 1999, prepared by Nevada Association of Counties (NACO), 308 N Curry St., Suite 205, Carson City, NV 89703, which outlines some of the havoc created by excessive Federal regulations.
- Separate recreationists from cattleman, businesses, firefighting etc, in considering restrictions.
- "The best tool is for the BLM employees to stay home. The more the BLM tries to help, the worse the problems get."
- "...BLM is asking off-road participants to behave responsibly, but do not act that way themselves. I suggest BLM personnel get into the public segment and meet with clubs and riders...and actually implement some of their ideas."

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# APPENDIX 4

# EXCERPTS FROM

# THE

# WILDERNESS STUDY AREA

# INTERIM MANAGEMENT POLICY

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# Excerpts From the "Interim Management Policy for Lands Under Wilderness Review" (BLM, H-8550-1, Rel. 8-17, 7/5/95) Regarding Off-Highway Vehicle Use

## CHAPTER I B.

## Specific Policy Guidance

An overriding consideration before applying any of the policies below must be that the preservation of wilderness values within a WSA is paramount and should be the primary consideration when evaluating any proposed action or use that may conflict with or be adverse to those wilderness values. The concept of considering wilderness values first asserts, with few exceptions (for example, valid existing rights and grandfathered rights), that wilderness resource management objectives within a WSA should take precedence over all other resource management program objectives. In other words, the wilderness resource will be dominant in all management decisions where a choice must be made between preservation of wilderness suitability and other competing uses.

## 2. Nonimpairment.

The following criteria are referred to hereafter as the "nonimpairment criteria".

a. **The use, facility, or activity must be temporary. This means a temporary use that does not create surface disturbance or involve permanent placement of facilities may be allowed if such use can easily and immediately be terminated upon wilderness designation.** "Temporary" means the use or facility may continue until the date of wilderness designation, at which time the use must cease and/or the facility must be removed. "Surface disturbance" is any new disruption of the soil or vegetation, including vegetative trampling, which would necessitate reclamation. The term "surface disturbance" is discussed further in Specific Policy Guidance, Section 3 below. Decisions to allow or deny proposed actions based on the nonimpairment criteria will be included in appropriate decision documents.

b. **When the use, activity, or facility is terminated, the wilderness values must not have been degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness.** The wilderness values to be considered are those mentioned in Section 2(c) of the Wilderness Act of 1964.

The only permitted exceptions to the above rules are:

(1) Emergencies such as suppression activities associated with wildfire or search and rescue operations;
(2) Reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies;
(3) Uses and facilities which are considered grandfathered or valid existing rights under the IMP;
(4) Uses and facilities that clearly protect or enhance the land's wilderness values or that are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values; and,
(5) Reclamation of pre-FLPMA impacts.

## 3. Surface Disturbance.

Surface disturbance is any new disruption of the soil or vegetation requiring reclamation within a WSA. Uses and facilities necessitating reclamation (i.e., recontouring of the topography, replacement of topsoil, and/or restoration of native plant cover) are

definitely surface disturbing and must be denied. Cross-country vehicle use off boundary roads and existing ways is surface disturbing because the tracks created by the vehicle leave depressions or ruts, compact the soils, and trample or compress vegetation.

## 7. Existing Facilities.

Some lands under wilderness review may contain minor facilities that were found in the wilderness inventory process to be substantially unnoticeable. For example, these may include primitive vehicle routes ("ways") and livestock developments. There is nothing in this IMP that requires such facilities to be removed or discontinued. On the contrary, they may be used and maintained as before, as long as this does not cause new impacts that would impair the area's wilderness suitability.

## 11. Motor Vehicles, Aircraft and Mechanical Transport.

Motor vehicles and mechanical transport may be allowed off boundary roads and existing ways for these purposes only:

(a) in emergencies and search and rescue operations (as described in Section 12, below);

(b) for official purposes by the BLM and other Federal, State, and local agencies and their agents when necessary and specifically authorized by the BLM for protection of human life, safety, and property; for protection of the lands and their resources; and,

(c) to build or maintain structures and installations authorized in this document, as long as such use of vehicles is determined to satisfy the nonimpairment criteria and is only along routes authorized and specified by the BLM. No grading, blading, or vegetative disturbance will be permitted as this would constitute surface disturbance and thus not meet the nonimpairment criteria.

In emergencies, cross-country travel will not be held to the nonimpairment standard; but in all other cases, cross-country travel is allowed only where it is specifically authorized by BLM and it satisfies the nonimpairment criteria. If impacts threaten to impair the area's wilder-ness suitability, the BLM may limit or close the affected lands to the uses causing the problem.

Mechanical transport, including all motorized devices as well as trail and mountain bikes, may only be allowed on existing ways and within "open" areas that were designated prior to the passage of FLPMA (October 21, 1976). Use of such devices off existing ways and trails are allowed only for the purposes listed in the paragraph above.

# CHAPTER III H.

## 11-12. Recreation.

11. Except for emergency situations as defined in Chapter I.B.12, vehicle designations in WSAs are to be handled through the land-use planning process. Until WSAs are designated as wilderness or released from study status, vehicle use within each WSA is governed by the terms and conditions as identified in Chapter I.B.11 and any land-use planning decisions. Open areas may be designated only: (1) as sand dune or snow areas for use by the appropriate sand or snow vehicles, or (2) where an area was designated open prior to October 21, 1976. No vehicle designation in a WSA may allow vehicles to travel off existing ways and trails, except in these two circumstances.

12. Organized vehicle events will not be allowed unless they can meet the nonimpairment criteria, and are contained on existing ways and trails or within pre-FLPMA sand dune or snow open areas. (For clarification of definitions of applicable vehicles and designation of areas see guidance contained in 43 CFR 8340 and 1601.)

# ABBREVIATIONS

| | |
|---|---|
| ANILCA | Alaska National Interest Lands Conservation Act |
| ANSCA | Alaska Native Claims Settlement Act |
| ATV | all-terrain vehicle |
| BLM | U.S. Department of the Interior, Bureau of Land Management |
| CFR | Code of Federal Regulations |
| EIS | environmental impact statement |
| EO | Executive Order |
| FLPMA | Federal Land Policy and Management Act of 1976 |
| GAO | General Accounting Office |
| IMP | Interim Management Policy for Lands Under Wilderness Review |
| NEPA | National Environmental Policy Act of 1969, as amended |
| OHV | off-highway vehicle |
| ORV | off-road vehicle |
| RAC | Resource Advisory Council |
| RMP | resource management plan |
| SUV | sport utility vehicle |
| WSA | wilderness study area |

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